

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONNA POPLAR,

Plaintiff,  
vs.

Case No. 2:21-cv-12568-VAR-JJCG  
Hon. Victoria A. Robers

GENESEE COUNTY ROAD Commission  
and FRED F. PEIVANDI, in his  
individual capacity,

Defendants.

DEPOSITION OF DONNA POPLAR, taken on Friday,  
June 10, 2022, at 211 West Oakley Street, Flint, Michigan,  
noticed for 9:00 A.M.

APPEARANCES:

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<p>APPEARANCES (CONTINUED)</p> <p>For the Defendant: HENN LESPERANCE, PLC BY: ANDREW A. CASCINI, J.D. (P76640) 32 Market Avenue, SW, Suite 400 Grand Rapids, Michigan 49503 616) 551-1611 aac@hennlesperance.com</p> <p>Court Reporter: Cynthia Lathrop, CSR-2474</p> <p>ALSO PRESENT:</p> <p>Ms. Maddy Sides</p> <p style="text-align: center;">* * * *</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX TO EXHIBITS (CONTINUING)</p> <p>2 Exhibit No. 7 Page 137 E-mail to Fred Peivandi from Donna Poplar, 8/27/18; DEFS RPD RESP 7 - 000052-53</p> <p>3 Exhibit No. 8 Page 141 E-mail to Board of County Road Commissioners from Fred Peivandi, et al. 1/15/18; DEFS RPD RESP 7 - 000054-56</p> <p>4 Exhibit No. 9 Page 148 Charge of Discrimination; DEFS INT RESP 1 - 000018</p> <p>5 Exhibit No. 10 Page 183 Letter to Genesee County Road Commission from Donna Poplar 1/28/21; DEFS RPD RESP 7 - 000001-03</p> <p>6 Exhibit No. 11 Page 220 Letter to Donna Poplar from Attorney Craig W. Lange, 4/27/21; DEFS RPD RESP 7 - 000004</p> <p>7 Exhibit No. 12 Page 225 E-mail to Donna Poplar from Fred Peivandi, 7/1/21</p> <p>8 Exhibit No. 13 Page 233 Document entitled Medical Health Officer Indoor Masking Directive</p> <p>9 Exhibit No. 14 Page 235 Chain of E-mails between Fred Peivandi and Donna Poplar, 8/16/21; E-mail from Lori Friedlis, 8/13/21</p> <p>10 Exhibit No. 15 Page 249 Memo to All GCRC Employees from Fred Peivandi, 8/17/21</p> <p>11 Exhibit No. 16 Page 252 Disciplinary Action Notice to Donna Poplar from Fred Peivandi, 8/19/21; DEFS RPD RESP 8 - 000002-04</p> <p>12</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX TO EXAMINATION</p> <p>2 WITNESS: DONNA POPLAR</p> <p>3 Examination by Mr. Cascini Page 9</p> <p>4 Examination by Ms. Gatkay Page 281</p> <p>5 Reexamination by Mr. Cascini Page 282</p> <p style="text-align: center;">* * * *</p> <p>10 INDEX TO EXHIBITS</p> <p>11 Exhibit No. 1 Page 31 Ms. Poplar's GCRC Application for Employment; DEFS RPD RESP 8 - 000044-45, 000052</p> <p>12 Exhibit No. 2 Page 33 Agreement of Employment 10/28/16; DEFS RPD RESP 8 - 000049-51</p> <p>13 Exhibit No. 3 Page 35 Agreement of Employment 2/10/17; DEFS RPD RESP 8 - 000028-30</p> <p>14 Exhibit No. 4 Page 50 Employment Agreement 12/14/17; DEFS RPD RESP 8 - 000025-27</p> <p>15 Exhibit No. 5 Page 127 Letter from Donna Poplar, 2/8/17 Re: Human Resource Administrative Assistant Need Analysis; DEFS RPD RESP 7 - 000049-51</p> <p>16 Exhibit No. 6 Page 130 E-mail to Board of County Road Commissioners from John Daly, III 1/7/17; DEFS RPD RESP 7 - 000048</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX TO EXHIBITS (CONTINUING)</p> <p>2 Exhibit No. 17 Page 255 Letter to Genesee County Road Commission Board Chairman, Cloyce Dickerson from Donna Poplar, 8/26/21; DEFS RPD RESP 7 - 000095-102</p> <p>3 Exhibit No. 18 Page 260 Letter to Genesee County Road Commission, Cloyce Dickerson, Board Chairman, from Charis Lee, Esq., 9/28/21; Attachment; DEFS RPD RESP 7 - 000120-128</p> <p>4 Exhibit No. 19 Page 261 Notice of Administrative Leave to Donna Poplar from Fred Peivandi, 9/6/21; DEFS RPD RESP 8 - 000005</p> <p>5 Exhibit No. 20 Page 264 E-mails between Charis Lee and Andrew Cascini, 11/2/21</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 * * * *</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1	Flint, Michigan	Page 6	1	them; just let me know and we can do so. So please 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 8
1	Friday, June 10, 2022		1	I have to ask this, even though it's 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
1	9:02 a.m.		1	always a little uncomfortable, are you under the 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
1	R E C O R D		1	influence of any substances, drugs, alcohol, narcotics 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
1	DONNA POPLAR,		1	or anything else that may impair your testimony in any 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
1	COURT REPORTER: do you solemnly swear		1	way today?	
2	or affirm to tell the whole truth in this matter so		1	THE WITNESS: I am not.	
3	help you God?		1	MR. CASCINI: I also understand, Ms.	
4	THE WITNESS: I do.		1	Poplar, that you have a visual disability. I will be	
5	MR. CASCINI: So we are on the record		1	showing you various exhibits over the course of the	
6	in the case of Poplar versus Genesee County Road		1	day. If you have any trouble whatsoever seeing	
7	Commission and Fred Peivandi, Case number is		1	something, if you're unsure about whether or not	
8	2:21-cv-12568.		1	you're seeing it accurately, please tell me, and we'll	
9	Ms. Poplar, my name is Andrew Cascini,		1	find some alternative method of giving it to you. Do	
10	as you know. I am the attorney for the Genesee County		1	you understand?	
11	Road Commission and Mr. Peivandi, the two Defendants		1	THE WITNESS: I do understand.	
12	in this lawsuit. I'm here with Maddy Sides, a		1	MR. CASCINI: Alternatively, though, if	
13	paralegal; we're both here from the law firm of Henn		1	you're able to take a look at it and you read it, and	
14	Lesperance.		1	you don't tell me, hey, I have an issue with it, I'll	
15	I'm going to ask you a number of		1	assume for the purposes of this deposition that you're	
16	questions today related to your lawsuit. Now, I know		1	able to legibly read it and understand it; okay?	
17	that you've been a witness in a deposition before; is		1	THE WITNESS: I do understand.	
18	that correct?		1	MR. CASCINI: Okay.	
19	THE WITNESS: That's correct.				
20	MR. CASCINI: So I'm just going to talk				
21	about some of the baseline rules, although they won't	Page 7	1	EXAMINATION	Page 9
22	be anything different than what you already know.		1	BY MR. CASCINI:	
23	I'm going to be asking you a series of		1	Q. All right. So I want to get started with some	
24	questions over the course of the day, and I will		1	questions about your background. I've reviewed your	
25	assume for the purpose of this that if you answer one		1	resume, and you're a human resources professional by	
1	of my questions, that that means that you understood		1	vocation; correct?	
2	the question; okay?		1	A. That is correct.	
3	THE WITNESS: I understand.		1	Q. How long have you spent in human resources as a line	
4	MR. CASCINI: And, obviously, the other		1	of work?	
5	thing that is challenging about it is, we need to get		1	A. Throughout my professional career, I would say	
6	out of our natural habit of maybe nodding or saying		1	directly or indirectly, prob -- well, over 20 years.	
7	uh-huh. We need verbal responses only, we need yeses		1	Q. And during your 20 years of experience, what kind of	
8	and noes or, obviously, more detailed ones if that's		1	educational background do you have that prepared you	
9	warranted. Do you understand?		1	for that role?	
10	THE WITNESS: I do.		1	A. I hold a master's degree, MSA, with a concentration in	
11	MR. CASCINI: And if you ever have a		1	human resources. I also hold a bachelor's degree in	
12	need to ask me any clarifying questions, I promise,		1	business, and I hold an associate's degree in business	
13	I'm going to be totally okay with that. I try to form		1	management.	
14	the perfect ones, but I don't always. So please, if		1	Q. Where did you work immediately prior to the Road	
15	you don't understand anything, any question I've		1	Commission?	
16	asked, please ask me to restate it, and I'll be happy		1	A. I worked for the city of Flint.	
17	to do so; okay?		1	Q. In what capacity did you work for the city of Flint?	
18	THE WITNESS: I do understand.		1	A. The city of Flint, I was the HR and labor relations	
19	MR. CASCINI: If you ever need a break		1	director.	
20	at any point in time today, I'd be happy to provide		1	And if I may, prior to coming to the	

<p>1 Road Commission, I also did consulting work. I was a 2 mentor to women who had breast cancer and other breast 3 cancer survivors. I also did work as an evangelist, 4 and I also was involved in doing work with Mary Kay as 5 a director; and I also did work such as interior 6 decoration.</p> <p>7 Q. And did you perform those various functions and work 8 in those various lines of work in between your time 9 with the city of Flint and the Road Commission?</p> <p>10 A. I've always served in that capacity throughout my 11 career.</p> <p>12 Q. So it's always been going on in the background, 13 including but not limited to the time between your 14 time with the city of Flint --</p> <p>15 A. That is correct.</p> <p>16 Q. -- and the Genesee County Road Commission? I 17 understand.</p> <p>18       How long were you with the city of 19 Flint?</p> <p>20 A. Two years.</p> <p>21 Q. And upon what circumstances did you end your 22 employment with the city of Flint?</p> <p>23 A. During the time which my employment was ended, it was 24 the result of the emergency manager.</p> <p>25 Q. And the emergency manager terminated your employment?</p>	Page 10	<p>1 A. I was employed with the Genesee County -- no, that's 2 not correct. I was employed with Center for Banking 3 Education.</p> <p>4 Q. Tell me a little bit about what the Center for Banking 5 Education is.</p> <p>6 A. Well, Center for Banking Education is African-American 7 owned, and its responsibilities was to train bankers 8 throughout the United States.</p> <p>9 Q. And what role did you fulfill for the Center for 10 Banking Education?</p> <p>11 A. My key role was the HR director.</p> <p>12 Q. Approximately how long were you with the Center for 13 Banking Education?</p> <p>14 A. I believe from 1999 to approximately 2003, give or 15 take.</p> <p>16 Q. And I'm sorry, I should have asked you this earlier; 17 although you told me how long you had worked for the 18 city of Flint, what were your approximate years of 19 employment as the HR director for the city of Flint?</p> <p>20 A. I believe my employment started in 2009 and ended in 21 2011.</p> <p>22 Q. Okay. So I observed that there is about a six-year 23 gap in between the Center of Banking Education and the 24 city of Flint. During that time were you performing 25 the consulting work that you listed earlier?</p>
<p>1 A. That is correct, along with all the other appointees 2 of Mayor Dayne Walling.</p> <p>3 Q. Dayne Walling?</p> <p>4 A. That is correct.</p> <p>5 Q. You said you were terminated along with all the other 6 appointees. Who were some of those other appointees 7 just by way of example?</p> <p>8 A. Gregory Eason, Brenda Pierpoint, Anita Brown, Rhoda 9 Mackey, Steve, and I can't think of his last name, and 10 there may have been a couple others.</p> <p>11 Q. And if you can, by way of example, for those 12 individuals you've just listed, what jobs did they 13 occupy when they were employees of the city of Flint?</p> <p>14 A. Greg Eason was the city administrator; Brenda 15 Pierpoint would've been the ombudsman; Anita Brown 16 would've been the deputy ombudsman; Rhoda Mackey was, 17 I believe, was dealing with special projects; and 18 Steve also was involved in special projects; and those 19 titles may not be correct.</p> <p>20 Q. To the best of your recollection, though, that's, more 21 or less, what they were, their approximate titles?</p> <p>22 A. That is correct.</p> <p>23 Q. Prior to your time working as the HR director with the 24 city of Flint, what was your prior employment before 25 that?</p>	Page 11	<p>1 A. That is correct, and some of the other duties, some of 2 the other jobs that I had.</p> <p>3 Q. When you said --</p> <p>4 A. Oh, if I may, also in between, I'd like for you to add 5 that I also worked for Royal Mortgage as a lender.</p> <p>6 Q. And approximately what years did you work as a lender 7 for Royal Mortgage?</p> <p>8 A. I can't remember the year.</p> <p>9 Q. Are you able to approximate it by decade even? Are we 10 talking about in the 2000s, in the 2010's?</p> <p>11 A. I cannot with accuracy, no.</p> <p>12 Q. Do you know approximately how long you were there?</p> <p>13 A. Oh, probably maybe a couple years.</p> <p>14 Q. Okay. Less than five?</p> <p>15 A. That's correct.</p> <p>16 Q. And tell me briefly what a lender does at Royal 17 Mortgage.</p> <p>18 A. Well, in this particular case, I also assisted in 19 helping to bring on mortgage lenders in that setting. 20 Those individuals were responsible for bringing on new 21 clients, so I assisted the staffing, I assisted 22 bringing on the new clients, and I assisted in 23 identifying possible mortgage business for that 24 particular company.</p> <p>25 Q. Now, prior to your time with the Center for Banking</p>

<p>1 Education, had you held any HR-related jobs prior to      2 that?</p> <p>3 <b>A.</b> Yes.</p> <p>4 Q. Okay. Tell me about the most proximate HR-related job      5 you held for the Center for Banking Education.</p> <p>6 <b>A.</b> So if you go back to my tenure with the Genesee      7 County, I was the HR -- I'm sorry -- I was the      8 executive director for their human service program, or      9 department, I should say, for about seven years.</p> <p>10 Q. And what roles did you fulfill, aside from HR duties      11 and as executive director, what other duties did you      12 fulfill beyond just HR?</p> <p>13 <b>A.</b> Well, in that particular role, I was not hired as a HR      14 director; I was hired as the executive director for      15 the Genesee County Community Action Agency, which      16 really you can call, in GCCAA. I took on all of the      17 oversight for that particular department/agency,      18 responsible for the hiring, responsible for      19 termination, responsible for putting together human      20 resource programs, overseeing a \$25 million budget,      21 responsible for administering that budget, responsible      22 for bringing on additional dollars for anything. When      23 I started, it was a \$10 million budget; I took it to      24 \$25 million.</p> <p>25 <b>I was responsible for working with the</b></p>	<p>Page 14</p> <p>1 Action Regency. I was there for approximately seven      2 years, or maybe a little longer. I believe that      3 employment started in 1985 and may have ended in 1992,      4 if my memory serves me right.</p> <p>5 Q. And upon what circumstances did your employment end      6 with the GCCAA?</p> <p>7 <b>A.</b> I was terminated from that particular position.</p> <p>8 Q. What was the reason for termination?</p> <p>9 <b>A.</b> Reason unknown.</p> <p>10 Q. When you say reason unknown, you weren't provided a      11 termination notice or anything in connection with      12 that?</p> <p>13 <b>A.</b> That is correct, not to my knowledge.</p> <p>14 Q. Who informed you that you had been terminated from      15 that job, if you can recall?</p> <p>16 <b>A.</b> I believe it was the Board chair.</p> <p>17 Q. And when you say Board chair, are you referring to      18 Genesee County Board of Commissioner chair?</p> <p>19 <b>A.</b> That is correct.</p> <p>20 Q. And Genesee County Board of Commissioners, that's the      21 legislative and executive entity that is in charge of      22 the entire county; correct?</p> <p>23 <b>A.</b> That is correct.</p> <p>24 Q. Who was the Board chair?</p> <p>25 <b>A.</b> I can't recall at this time.</p>
<p>1 health department, addressing health issues for low to      2 moderate income families. I was responsible for the      3 housing program, for housing rehab. I was responsible      4 for the Head Start program, Meals on Wheels,      5 responsible for development, training, managing      6 grievances, doing interviews, selecting employees to      7 be hired for the organization. I was responsible for      8 about six or nine directors, provided leadership over      9 each one of those divisions. I was responsible for      10 directing community concerns, community complaints,      11 employee development, employee training and      12 implementing new program ideals that would benefit the      13 underserved population in Genesee County and the city      14 of Flint.</p> <p>15 Q. Approximately how many employees did you supervise      16 either directly or indirectly in your capacity as the      17 executive director?</p> <p>18 <b>A.</b> I had, at any point, between six and nine active      19 directors that reported directly to me. There was      20 approximately maybe 300 employees throughout the      21 course of the year. Those numbers increased during      22 our summer program.</p> <p>23 Q. And approximately how long did you serve as the      24 executive director for the GCCAA, you called it?</p> <p>25 <b>A.</b> GCRC (sic); that stands for Genesee County Community</p>	<p>Page 15</p> <p>1 Q. It is quite a ways in the past; I understand.      2 At any of these jobs that we've listed,      3 so we have the GCCAA, we have the Center for Banking      4 Education, and we have the city of Flint, did you ever      5 file any type of employment related litigation --      6 related to your employment, I should say, litigation      7 related to your employment in any of those jobs?</p> <p>8 <b>A.</b> I did.</p> <p>9 Q. Can you briefly describe for me against whom those      10 cases were filed if there are more than one?</p> <p>11 <b>A.</b> The city of Flint.</p> <p>12 Q. And just to get a list, is that the only employer that      13 you have brought litigation against?</p> <p>14 <b>A.</b> That is correct.</p> <p>15 Q. And tell me about the litigation you filed against the      16 city of Flint.</p> <p>17 <b>MS. GAFKAY:</b> Object to form. It's      18 quite broad.</p> <p>19 Q. (BY MR. CASCINI) What was the nature of the case with      20 the litigation you brought against the city of Flint?</p> <p>21 <b>A.</b> Could you be a little more specific when you say the      22 nature of the case?</p> <p>23 Q. What allegations did you claim against the city of      24 Flint?</p> <p>25 <b>A.</b> Race and age discrimination.</p>

<p>1 Q. Was it an age discrimination claim brought under ELCRA  2 or the ADA -- or I'm sorry -- the ADEA?</p> <p>3 A. I can't recall.</p> <p>4 Q. You mentioned that you brought age discrimination  5 claims. Was it the claim that it was -- was the  6 allegation that your termination was in part or in  7 whole related to your age?</p> <p>8 A. I can't recall.</p> <p>9 Q. Was that a federal or a state court case?</p> <p>10 A. I can't recall.</p> <p>11 Q. Briefly, what were the circumstances that led you to  12 believe in that case that you had been terminated  13 because of your age?</p> <p>14 A. I can't recall.</p> <p>15 Q. I believe you mentioned a little bit earlier that  16 you'd been terminated from the city of Flint, along  17 with all the other appointees that had been put in  18 place by Mayor Walling, I believe; is that correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Were all of those individuals over the age of 40?</p> <p>21 A. I can't recall.</p> <p>22 Q. Okay. Were there specific facts that you can recall  23 upon which you distinguished how your termination had  24 been effectuated as compared to those other  25 individuals?</p>	<p>Page 18</p>	<p>1 to dismiss, upon summary judgment? Do any of those  2 terms call to mind how the case was resolved?</p> <p>3 A. I do not know.</p> <p>4 Q. And when we say dismissed, it was dismissed in favor  5 of the city of Flint; is that right?</p> <p>6 A. That is correct.</p> <p>7 Q. Have you ever brought a piece of litigation against  8 any other employer other than the city of Flint?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Have you ever been the subject of a lawsuit, that is  11 to say, a defendant in a lawsuit?</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. Have you ever been convicted of a crime?</p> <p>14 A. That would require me to have legal authorization to  15 respond to that question.</p> <p>16 Q. Well, I'm not sure that I necessarily understand. We  17 can talk about the circumstances of any conviction you  18 may have had, and I certainly intend to follow up on  19 it; but the fair question is, have you ever been  20 convicted of a criminal activity in this state or in  21 any other state?</p> <p>22 A. Again, my position would be, I would have to be told  23 that I can legally answer that question in this state.</p> <p>24 MS. GAFKAY: Can we take a quick break  25 and come right back?</p>	<p>Page 20</p>
<p>1 A. I can.</p> <p>2 Q. Can you tell me about those circumstances or facts?</p> <p>3 A. The position that I held at that time and was  4 terminated from as the HR/Labor Relations director for  5 the city of Flint, that position was shortly after  6 filled by a young lady who was less than 40 -- I  7 should say younger than 40.</p> <p>8 Q. And based on that answer and context of the question,  9 I assume that some of the other vacated positions were  10 not filled by individuals who were under the age of  11 40; right?</p> <p>12 A. I have no --</p> <p>13 MS. GAFKAY: Objection; lacks  14 foundation.</p> <p>15 THE WITNESS: I don't know.</p> <p>16 Q. (BY MR. CASCINI) Do you know if other positions that  17 had been vacated were filled with individuals over the  18 age of 40?</p> <p>19 A. I do not.</p> <p>20 Q. Was your deposition taken in that lawsuit?</p> <p>21 A. It was.</p> <p>22 Q. And as best you can recall, how did that lawsuit  23 resolve? Was there a judgment issued in that lawsuit?</p> <p>24 A. It was dismissed.</p> <p>25 Q. Do you remember whether it was dismissed upon motion</p>	<p>Page 19</p>	<p>1 MR. CASCINI: Certainly we can. That's  2 not a problem.</p> <p>3 (Ms. Gafkay, Ms. Lee and  4 witness left room and returned.)</p> <p>5 MR. CASCINI: Let's go back onto the  6 record now.</p> <p>7 Q. (BY MR. CASCINI) Ms. Poplar, I know you've had an  8 opportunity to consult with counsel briefly. So I  9 want to --</p> <p>10 MR. CASCINI: Actually, let me ask the  11 court reporter, can you read back my last question,  12 please?</p> <p>13 (Following question read back:  14 "Q. Well, I'm not sure that I  15 necessarily understand. We can  16 talk about the circumstances of  17 any conviction you may have had,  18 and I certainly intend to follow  19 up on it; but the fair question is,  20 have you ever been convicted of a  21 criminal activity in this state or  22 in any other state?"</p> <p>23 THE WITNESS: I have no convictions on  24 my record.</p> <p>25 Q. (BY MR. CASCINI) Have you ever had a conviction on</p>	<p>Page 21</p>

<p>1 your record?</p> <p>2 MS. GAFKAY: And I'll just object that</p> <p>3 the information you're seeking is not relevant. As</p> <p>4 you know, only misdemeanors relating to elements of</p> <p>5 dishonesty and any felonies that are on an</p> <p>6 individual's record would even be relevant; and in</p> <p>7 fact, the felonies would relate to -- ten plus years</p> <p>8 would not be relevant at all.</p> <p>9 MR. CASCINI: Notwithstanding the</p> <p>10 relevance objection, can you answer the question.</p> <p>11 MS. GAFKAY: Well, hold on. Because it</p> <p>12 bears no relevance at all in this case, and she has</p> <p>13 answered your question, she has no convictions on her</p> <p>14 record, we'll just -- I'm going to tell her not to</p> <p>15 answer; and if you want an answer to that question,</p> <p>16 then I would request that, you know, we take it up</p> <p>17 with the judge.</p> <p>18 MR. CASCINI: Okay. All right.</p> <p>19 Q. (BY MR. CASCINI) What I'm going to do, then, I'm</p> <p>20 making an inference, have you had a conviction that</p> <p>21 was expunged?</p> <p>22 A. I have.</p> <p>23 Q. Approximately when did that expungement occur?</p> <p>24 A. I can't recall.</p> <p>25 Q. Approximately when did the underlying conviction since</p>	Page 22	<p>1 we take it up with the judge.</p> <p>2 MR. CASCINI: And just to clarify, I</p> <p>3 don't want to put any words in your mouth, the</p> <p>4 position is that you're going to instruct your client</p> <p>5 not to answer that today; and then to the extent that</p> <p>6 we need to resolve that issue about whether or not</p> <p>7 that failure to answer was appropriate, that would be</p> <p>8 your preferred method of dealing with this?</p> <p>9 MS. GAFKAY: Yes. And, I mean -- yes.</p> <p>10 Maybe I'll ask her a question at the end to clarify</p> <p>11 the time so that we know that it's not within the</p> <p>12 time, that it all predates her employment with the</p> <p>13 Genesee County Road Commission --</p> <p>14 MR. CASCINI: Well, and --</p> <p>15 MS. GAFKAY: -- which may be a concern;</p> <p>16 but I'll ask her questions at the end just so that you</p> <p>17 have that clarification. I mean, she doesn't recall</p> <p>18 the exact date, so -- but she may know whether it was</p> <p>19 pre- Genesee County Road Commission, which I think is</p> <p>20 2016.</p> <p>21 MR. CASCINI: Let me be the one to ask</p> <p>22 the question.</p> <p>23 Q. (BY MR. CASCINI) Did this conviction or the</p> <p>24 subsequent expungement occur during your time as an</p> <p>25 employee with the Genesee County Road Commission?</p>	Page 24
<p>1 expunged occur?</p> <p>2 A. I can't recall the exact time.</p> <p>3 Q. I suspect that this may lead to another objection; but</p> <p>4 let me ask for the record, the charge that we just</p> <p>5 referred to, do you remember the circumstances that</p> <p>6 led to that conviction that later was expunged?</p> <p>7 MS. GAFKAY: Yeah, I'm going to object</p> <p>8 for the reasons I previously stated. It's not</p> <p>9 relevant; and because it has no relevance whatsoever,</p> <p>10 I'm going to tell her not to respond, and just</p> <p>11 indicate to you that you certainly -- I think it's an</p> <p>12 issue that would be more appropriate to ask the court</p> <p>13 whether she has to answer those questions, especially</p> <p>14 in light of the fact that we did provide some</p> <p>15 additional information, so at least you could</p> <p>16 understand why she answered the way she did.</p> <p>17 And, again, she is cooperating; but to</p> <p>18 the extent she's being asked a question that is</p> <p>19 totally irrelevant and in no way would be admissible,</p> <p>20 I don't think it's appropriate, and I would rather</p> <p>21 have the court ruling on whether she has to answer</p> <p>22 those questions.</p> <p>23 So, you know, my preference would be</p> <p>24 that we just put that objection, she not answer; and</p> <p>25 if you want to seek that additional information, that</p>	Page 23	<p>1 A. No, it did not.</p> <p>2 Q. Okay. Were you an employee of any of the listed</p> <p>3 employers at the time where either the conviction or</p> <p>4 the expungement occurred?</p> <p>5 A. No, I was not.</p> <p>6 Q. Okay. So it was during one of the periods of time</p> <p>7 where you were either performing consulting work or</p> <p>8 you were otherwise unemployed in some manner?</p> <p>9 A. That is correct.</p> <p>10 Q. Can you be approximate with me in terms of, was it</p> <p>11 more than ten years ago, in your estimation, that this</p> <p>12 occurred -- either the conviction or the expungement</p> <p>13 occurred, I should clarify?</p> <p>14 A. The convictions were more than 20 years ago.</p> <p>15 Q. Okay. And do you remember approximately how long it</p> <p>16 was between the time of the conviction and the</p> <p>17 expungement?</p> <p>18 A. Well, with an expungement, I think you have to wait at</p> <p>19 least seven years before your record can be an</p> <p>20 expunged, but it was within the seven-year time frame.</p> <p>21 Q. So when you say within the seven-year time frame, you</p> <p>22 mean after a seven-year period elapsed?</p> <p>23 A. That is correct.</p> <p>24 Q. Was it more than ten years, in your approximation?</p> <p>25 A. I can't recall. It may have been less.</p>	Page 25

<p>1 Q. Well, let me ask you a question that certainly would      2 be relevant. Was the underlying conviction or the      3 expungement related in any way to perjury or      4 falsification of testimony?</p> <p>5 MS. GAFKAY: Well --</p> <p>6 MR. CASCINI: Certainly that has      7 relevance to any proceeding that she would testify in.</p> <p>8 MS. GAFKAY: No, because she has no      9 conviction at all on her record. So if she doesn't      10 have a conviction for a felony or a misdemeanor      11 involving an element of truthfulness, it would not be      12 admissible.</p> <p>13 So, I mean, I get that that may be an      14 issue for the court to take up. If you want to pursue      15 this line of questioning, it's up to you, but I'm not      16 going to have her answer that question because of the      17 aforementioned reasons.</p> <p>18 MR. CASCINI: Understandable. So just      19 to clarify for purposes of the record, you're      20 instructing your client not to answer that question      21 today. You've raised the objection. We're going to      22 repeat the question pending further ruling from the      23 court, if that's something we intend to take up; is      24 that correct, just so that I understand your position?</p> <p>25 MS. GAFKAY: Yes.</p>	<p>Page 26</p>	<p>1 the GCCAA, did you ever have reason to have      2 interactions with the Genesee County Road Commission      3 in your capacity as the executive director?</p> <p>4 A. No; at that time, no.</p> <p>5 Q. Those two agencies or departments, they don't interact      6 frequently?</p> <p>7 A. No.</p> <p>8 Q. Did you know anyone, either personally or      9 professionally, who worked at the GCRC at the time you      10 were hired?</p> <p>11 A. I can't answer that, because I wouldn't know. I'm      12 sure I would find people I knew who worked here if I      13 seen the employment list; but just knowing on my own,      14 no.</p> <p>15 Q. No one comes to mind? You didn't have any, you know,      16 prior connection, maybe somebody put in a reference      17 for you in behalf of GCRC that was an employee of      18 GCRC? Any of those -- or does any of that ring a bell?</p> <p>19 A. No.</p> <p>20 Q. Understandable. And who was serving on the Board of      21 Commissioners at the time that you were hired?</p> <p>22 A. Here?</p> <p>23 Q. Correct, at the GCRC; I apologize. Who were serving      24 as -- who were the five individuals who served as the      25 Board of Commissioners at the time you were hired at</p>	<p>Page 28</p>
<p>1 MR. CASCINI: All right.</p> <p>2 Q. (BY MR. CASCINI) Are there any other -- have you ever      3 been arrested for any felony, excluding this      4 conviction/expungement, for any other felonies or      5 misdemeanors in the past?</p> <p>6 A. Not to my knowledge, no.</p> <p>7 Q. Okay. I'd like to ask you some questions next about      8 how you came to be hired at the Genesee County Road      9 Commission. You were hired at the time where John      10 Daly was the managing director; is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Approximately what was your year of hire?</p> <p>13 A. It would've been in 2016.</p> <p>14 Q. I should have done it the other way, I should have      15 laid the foundation; nevertheless, we got there.</p> <p>16 Did you know John Daly at all prior to      17 being hired by the Genesee County Road Commission.</p> <p>18 A. I did not.</p> <p>19 Q. Why did you elect to apply for a position at the      20 Genesee County Road Commission?</p> <p>21 A. I was interested in the position because it related to      22 what I do in terms of my professional career in the      23 area of an HR, the area by which I have passion; I      24 have a passion to be a HR director.</p> <p>25 Q. When you were serving as the executive director for</p>	<p>Page 27</p>	<p>1 the GCRC?</p> <p>2 A. I don't know if I can speak all five.</p> <p>3 Q. Sure. It was 2016. I understand.</p> <p>4 A. I believe that John Mandelaris and Cloyce Dickerson.</p> <p>5 Q. Anyone else?</p> <p>6 A. I believe Bob Johnson, Dave Miller, Dave Arceo.</p> <p>7 Q. Okay. And I understand for the purposes of the      8 question, you're trying to think back, and it's going      9 to be a matter of record. It's not a pop quiz, I      10 promise; just seeing if you recall.</p> <p>11 What was the process like by which you      12 came to be hired? What I'm asking there is, with whom      13 did you interview? Did you submit an application?      14 How did you come to be hired by the GCRC?</p> <p>15 A. I went through the interviewing -- I mean, I went      16 through the actual hiring process. Prior to that      17 process was, one, I had to submit an application and a      18 resume with a couple letters; from that, I received a      19 invitation for an interview. I was actually here in      20 this vicinity, I believe in this particular room.</p> <p>21 Later I discovered that the first time      22 I was interviewed, I did not -- I was not the selected      23 candidate. So probably about six to seven months      24 later, I received a call to see if I was still      25 interested in the position; and sometime shortly after</p>	<p>Page 29</p>

<p>1 that, I believe I met with Mr. Daly, and shortly after      2 that, I didn't go through a second round of      3 interviews. It was within a six, seven-month      4 difference between the first and the second, and from      5 that, I was offered the position to serve as the      6 Genesee County Road Commission HR administrative      7 service director.</p> <p>8 Q. And I apologize, I may have been taking notes when you      9 said this. You interviewed twice approximately six      10 months apart; is that your testimony? Again, not a      11 pop quiz; I genuinely just missed it.</p> <p>12 A. My first interview was with the full Board -- the full      13 panel, and then my second communication, conversation,      14 was with Mr. Daly.</p> <p>15 Q. Individually?</p> <p>16 A. That is correct.</p> <p>17 Q. And am I understanding you correctly, you were      18 notified by official notice after the first interview      19 that you hadn't been selected. Did they tell you that      20 they had selected an alternative candidate?</p> <p>21 A. That is correct.</p> <p>22 Q. And then, nevertheless, six, seven months later, you      23 were called back in?</p> <p>24 A. That is correct.</p> <p>25 Q. And that interview was just with Mr. Daly; is that</p>	Page 30	<p>1 you served with the city of Flint; is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. I note on here, on the second page, there is a company      4 name listed as New Direction Consulting Services from      5 2004 to 2006. Is this related to the Center for      6 Banking Education job?</p> <p>7 A. Yes; it would've been during the time that my d/b/a      8 was still active.</p> <p>9 Q. Tell me a little bit about that. You said your d/b/a      10 was active. Did you have a corporate forum that you      11 performed work under for a period of time?</p> <p>12 A. No; I was doing business under assumed.</p> <p>13 Q. Okay. And can you tell me about -- you said you were      14 doing business under an assumed name. So was New      15 Direction Consulting Services the assumed name?</p> <p>16 A. That is correct.</p> <p>17 Q. I understand. So was it an LLC, a corporation?</p> <p>18 A. Neither.</p> <p>19 Q. That was the -- I want to make sure that I get it.      20 That's the assumed name upon which you did some of the      21 contract services that you described before; is that      22 right?</p> <p>23 A. That's correct.</p> <p>24 Q. Got it. Completely understand. And that's your      25 signature on the bottom of that page --</p>	Page 32
<p>1 right?</p> <p>2 A. That is correct.</p> <p>3 Q. And you mentioned that the whole thing was kicked off      4 because you submitted an application to the GCRC,      5 along with a copy of your resume; is that right?</p> <p>6 A. I followed the instructions as required to apply for      7 the position as the HR director for GCRC.      8 (Discussion off record.)      9 MR. CASCINI: Okay. I'm going to mark      10 this document as Exhibit No. 1. For reference, I'm      11 referring to the document, three-page document, that      12 is marked as Bates No. DEFS RPD Response 8, pages 44      13 and as follows.      14 (Document marked Deposition      15 Exhibit No. 1.)      16 Q. (BY MR. CASCINI) Ms. Poplar, to the best of your      17 recollection, is this the Application For Employment      18 that you submitted?      19 A. Yes.      20 Q. Under PROFESSIONAL REFERENCES, I note the names Dayne      21 Walling and Greg Eason appear. Is Dayne Walling the      22 individual that you referred to as the former mayor of      23 the city of Flint?      24 A. That is correct.      25 Q. And Greg Eason was one of the individuals with whom</p>	Page 31	<p>1 A. It is.      2 Q. -- and it is also your signature on page three?      3 A. It is.      4 MS. GAFKAY: You're doing fine, but a      5 couple times, you just need to wait until he finishes      6 his question before you start to answer.      7 MR. CASCINI: Actually, that is a good      8 point.      9 Q. (BY MR. CASCINI) I'm going to reask the question just      10 for the purposes of the record being clear.      11 Is that your signature on the bottom of      12 pages two and three?      13 A. It is.      14 Q. Perfect, great. When you were hired by Genesee County      15 Road Commission as the HR director following your      16 interview with John Daly, were you given an employment      17 agreement in connection with that?      18 A. Not at that time.      19 Q. You were later provided a copy of the employment      20 agreement?      21 A. Yes.      22 (Document marked Deposition      23 Exhibit No. 2.)      24 Q. (BY MR. CASCINI) I'm showing you another document      25 here, Ms. Poplar. We've marked this document as</p>	Page 33

<p>1 Exhibit No. 2.</p> <p>2 MR. CASCINI: And again for the record,</p> <p>3 the document to which we are referring is a three-page</p> <p>4 document that begins with Bates No. DEFS RPD Response</p> <p>5 8 - No. 49.</p> <p>6 Q. (BY MR. CASCINI) Is this a copy of the first</p> <p>7 employment agreement that you received upon your hire</p> <p>8 with the GCRC?</p> <p>9 A. Taking under consideration the date by which this is</p> <p>10 signed on the third page, that would be my</p> <p>11 recollection, that this would have been the correct</p> <p>12 agreement at that particular time, according to the</p> <p>13 date.</p> <p>14 Q. And is that your signature that appears there?</p> <p>15 A. It is.</p> <p>16 Q. And the other signature purports to be the one of John</p> <p>17 Daly III, that's John Daly the managing director; is</p> <p>18 that right?</p> <p>19 A. That is correct.</p> <p>20 Q. Now, my understanding is that, during your period of</p> <p>21 employment with the GCRC, you also entered into other</p> <p>22 employment agreements with the GCRC; is that right?</p> <p>23 A. After the date of 10/28/2016, that would be correct.</p> <p>24 MR. CASCINI: Can we go off the record</p> <p>25 very briefly?</p>	Page 34	<p>1 Q. Do you remember whether you requested a new employment</p> <p>2 agreement to be executed or whether Mr. Daly or</p> <p>3 someone else at the Commission asked you to sign a new</p> <p>4 agreement?</p> <p>5 A. I can't recall.</p> <p>6 Q. Do you remember whether or not the Board approved</p> <p>7 either the execution of the prior agreement or this</p> <p>8 agreement or both?</p> <p>9 A. I can't recall.</p> <p>10 Q. Do you recall whether or not -- let me back up</p> <p>11 slightly and ask you a question. The time frame I'm</p> <p>12 referring to would be the time, the end of October</p> <p>13 when you executed the first employment agreement. So</p> <p>14 I don't want to confuse you. We're not talking about</p> <p>15 this document; we're talking about the prior one we</p> <p>16 looked at.</p> <p>17 In your capacity as the HR director,</p> <p>18 after you signed that agreement, did the other</p> <p>19 directors all have employment agreements as well?</p> <p>20 A. I can't recall.</p> <p>21 Q. At the current time, do the other directors of the</p> <p>22 GCRC have employment agreements with GCRC?</p> <p>23 MS. GAFKAY: Object to the form. When</p> <p>24 you say the current time, you mean February 2017 or</p> <p>25 today?</p>	Page 36
<p>1 MS. GAFKAY: Sure.</p> <p>2 (Discussion off record.)</p> <p>3 MR. CASCINI: Let's go back on the</p> <p>4 record. I'm going to be showing you another document</p> <p>5 which, let's all mark that as Exhibit No. 3.</p> <p>6 (Document marked Deposition</p> <p>7 Exhibit No. 3.)</p> <p>8 MR. CASCINI: For ease of reference,</p> <p>9 I'm referring to a document that is marked as Bates</p> <p>10 No. DEFS RPD Response 8 and begins with 28.</p> <p>11 Q. (BY MR. CASCINI) Ms. Poplar, do you recognize this</p> <p>12 document?</p> <p>13 A. Yes.</p> <p>14 Q. And is this an employment agreement that you excited</p> <p>15 with Genesee County Road Commission?</p> <p>16 A. I'm looking at the date, February 10th, 2017, I would</p> <p>17 say it is.</p> <p>18 Q. Okay. Now, I note that February 10th, 2017 is a</p> <p>19 fairly short time frame after October 28th, 2016 when</p> <p>20 the first employment agreement was executed, and it is</p> <p>21 within that agreement, the prior agreement's term.</p> <p>22 What were the circumstances upon which</p> <p>23 you executed a new employment agreement approximately</p> <p>24 four months into your employment?</p> <p>25 A. I can't recall.</p>	Page 35	<p>1 MR. CASCINI: Fair enough.</p> <p>2 Q. (BY MR. CASCINI) As of today in your capacity as HR</p> <p>3 director, do you know whether the other directors of</p> <p>4 the GCRC are retained pursuant to employment</p> <p>5 agreements?</p> <p>6 A. The only director that I know would be Anthony Branch.</p> <p>7 I'm not familiar or knowledgeable if the other ones</p> <p>8 have; but to my knowledge, no.</p> <p>9 Q. Why is it that you and Anthony Branch have employment</p> <p>10 agreements and other directors do not?</p> <p>11 MS. GAFKAY: Object to the form; calls</p> <p>12 for speculation.</p> <p>13 Q. (BY MR. CASCINI) You are the HR director, so to the</p> <p>14 extent you know, in your capacity as the HR director,</p> <p>15 why is it that you and Anthony Branch have employment</p> <p>16 agreements while the other directors do not?</p> <p>17 A. At the time, Anthony and I were given an employment</p> <p>18 agreement; also Randy Dellaposta was given one.</p> <p>19 Q. So Randy Dellaposta was given an employment agreement</p> <p>20 at the same time that you and Anthony Branch were?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay.</p> <p>23 A. In addition to Randy Dellaposta, Anthony Branch and</p> <p>24 myself, also Coetta Adams was also given an employment</p> <p>25 agreement. In addition to Anthony Branch, myself,</p>	Page 37

<p>1 Randy Dellaposta and Coetta Adams, Rachel Mullen was 2 given an employment agreement, Cherry Grant was given 3 an employment agreement, and I believe Mike Lewis may 4 have been given one; and I'm not all sure on that.</p> <p>5 Q. Okay. Just so clarify, you believe that those 6 individuals all were given employment agreements at 7 the same time that you were initially given yours; is 8 that your testimony?</p> <p>9 A. If you're referencing the agreement that I now have in 10 front of me that is dated February 10th of '17, I 11 believe on or around that same time frame, those 12 individuals were also given an employment agreement.</p> <p>13 Q. Now, of Randy Dellaposta, Coetta Adams, Rachel Mullen, 14 Cherry Grand and Mike Lewis, who remains an employee 15 of the GCRC today, if any?</p> <p>16 A. That has an employment agreement?</p> <p>17 Q. Well, just of those individuals, who remain an 18 employee of the GCRC today?</p> <p>19 A. With the exception of Coetta Adams, they all are still 20 employees of the Genesee County Road Commission.</p> <p>21 Q. At the present time, do Randy Dellaposta, Rachel 22 Mullen, Cherry Grant or Mike Lewis have employment 23 agreements executed with the GCRC?</p> <p>24 A. At the present time, Randy Dellaposta no longer has an 25 employment agreement, to my knowledge; and Anthony</p>	Page 38	<p>1 MR. CASCINI: Okay, that's totally 2 fine. And, Ms. Poplar, if you need a break now, just 3 tell me, but I prefer to just get through my question 4 about the employment agreements prior to that; but if 5 you need one earlier, that's all right with me.</p> <p>6 THE WITNESS: I'm okay.</p> <p>7 Q. (BY MR. CASCINI) Okay. So I want to ask some 8 clarifying questions here, because I want to make sure 9 that I understand the time frame.</p> <p>10 So at the time that you initially 11 became an employee of the GCRC, and please correct me 12 if this misstates your testimony, it's your 13 recollection that Randy Dellaposta, Coetta Adams, 14 Rachel Mullen, Cherry Grant and Mike Lewis also had 15 employment agreements at that time, so we're referring 16 to October of 2016; is that right?</p> <p>17 A. No, that is not correct.</p> <p>18 Q. Okay. So are you aware of any employees who, as of 19 October of 2016, also had employment agreements?</p> <p>20 A. I am not.</p> <p>21 Q. Okay. But you did testify that you believe that those 22 five individuals had them as of February; correct?</p> <p>23 A. February of 2017 --</p> <p>24 Q. Yes.</p> <p>25 A. -- that is correct.</p>	Page 40
<p>1 Branch currently still has an employment agreement, to 2 my knowledge. Rachel Mullen still has an employment 3 agreement to my knowledge. And for correction, Cherry 4 Grant is no longer employed with the Genesee County 5 Road Commission. I am not sure if Mike Lewis still 6 has an employment agreement, nothing's been brought to 7 my attention that he does not; and again I'm not 100 8 percent sure that he ever had one.</p> <p>9 Q. Sure. What's the process by which certain employees 10 were given employment agreements with the GCRC?</p> <p>11 A. Under my senior, the only employees that I know that 12 received an employment agreement would've been those 13 individuals you just spoke to. So I don't know of any 14 process prior to that. I would not have been privy to 15 that.</p> <p>16 Q. Okay. Well, what is the process by which employment 17 agreements were executed after you became the HR 18 director?</p> <p>19 A. There has been no employment agreements implemented 20 since I have been employed after this particular date, 21 that I am aware of.</p> <p>22 Q. Let me ask you a clarifying question here. 23 MS. GAFKAY: When you're done, when 24 you're close to being done, if we can take a quick 25 break.</p>	Page 39	<p>1 Q. But help me understand this. You also testified that 2 to your knowledge, no employment agreements were 3 executed during your tenure as the HR director; is 4 that right?</p> <p>5 A. What I said, after this particular date here, this 6 particular date.</p> <p>7 Q. You're referring to February 10, 2017; right?</p> <p>8 A. Yes. The only persons that I know that continued to 9 have a employment agreement would have been myself and 10 Anthony Branch.</p> <p>11 Q. Okay. So at what point in time -- what is the time 12 period of which you are aware that Randy Dellaposta, 13 Coetta Adams, Rachel Mullen, Cherry Grant and Mike 14 Lewis had employment agreements?</p> <p>15 A. They would've been on or about the same time, 2017.</p> <p>16 Q. Okay. Here is the source of my confusion. I am 17 understanding that your testimony is that in October 18 of 2016, they don't have them; and then in February of 19 2017, they do have them. Is that right or am I 20 misstating it?</p> <p>21 A. (No response).</p> <p>22 Q. If the misunderstanding is mine, please correct me. 23 I'm not trying to trap you. I'm just trying to get 24 this clear.</p> <p>25 A. What I understand --</p>	Page 41

<p>1 Q. Okay.</p> <p>2 A. -- in 2016, I was given an employment agreement.</p> <p>3 Q. Okay.</p> <p>4 A. I have no information and/or knowledge as to whoever</p> <p>5 may have had an employment agreement in 2016 --</p> <p>6 Q. Okay.</p> <p>7 A. -- around this time or before this time.</p> <p>8 Q. Okay.</p> <p>9 A. I have no knowledge of that.</p> <p>10 Q. All right.</p> <p>11 A. Did that help clarify your confusion?</p> <p>12 Q. But as of 2017, February 10th, 2017, your testimony is</p> <p>13 that, as of that time, to the best of your</p> <p>14 recollection, of course, you believe that Coetta</p> <p>15 Adams, Rachel Mullen, Cherry Grant, Mike Lewis and</p> <p>16 Randy Dellaposta and Anthony Branch had employment</p> <p>17 agreements; is that right?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. So those employment agreements, presumably,</p> <p>20 then, were executed during your time as an HR</p> <p>21 director; right?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay. What is the process by which employment</p> <p>24 agreements at the GCRC are executed?</p> <p>25 A. During that particular time, Mr. Daly specified that</p>	Page 42	<p>1 agreement? You actually physically give them a copy</p> <p>2 of the agreement?</p> <p>3 A. That is correct.</p> <p>4 Q. So you, let me summarize, so you drafted them. Did</p> <p>5 Mr. Daly sign them?</p> <p>6 A. Clarification for the record. I assisted Mr. Daly, in</p> <p>7 crafting the agreement. Now, what changes he made to</p> <p>8 the agreements, I am not aware of, and he did sign</p> <p>9 them.</p> <p>10 Q. So let me make sure I understand your testimony. So</p> <p>11 do you make the initial drafts of the agreements?</p> <p>12 A. That is correct.</p> <p>13 Q. Then you submit them to Mr. Daly, and he either</p> <p>14 modifies them, of which you're not aware whether</p> <p>15 they've been modified, or adopts them as you've</p> <p>16 drafted them?</p> <p>17 A. That is correct.</p> <p>18 Q. And then he executes the agreement, gives them back to</p> <p>19 you?</p> <p>20 A. That is correct.</p> <p>21 Q. And then you give it out to the employee at the end of</p> <p>22 the day?</p> <p>23 A. That is correct.</p> <p>24 Q. Do you know why those employees were selected to</p> <p>25 receive employment agreements?</p>	Page 44
<p>1 he wanted to put us on an employment agreement. The</p> <p>2 process that was followed, that we were given</p> <p>3 employment agreements.</p> <p>4 Q. In your capacity as the HR director, were you involved</p> <p>5 in the process of executing employment agreements on</p> <p>6 behalf of the GCRC, referring, of course, to</p> <p>7 employment agreements that weren't yours? Were you</p> <p>8 involved in that process?</p> <p>9 A. Could you repeat the question, please?</p> <p>10 Q. Understandable. Were you involved in the process of</p> <p>11 issuing employment agreements on behalf of the GCRC to</p> <p>12 the other individuals that we've listed?</p> <p>13 A. That is correct.</p> <p>14 Q. You were?</p> <p>15 A. That is correct.</p> <p>16 Q. And what was your involvement in that process?</p> <p>17 A. Mr. Daly wanted me to help him to draft the agreement.</p> <p>18 Q. Okay. Were you involved in any other way in that</p> <p>19 process?</p> <p>20 A. Other than issuing the agreements to my staff, Randy</p> <p>21 Dellaposta, Coetta Adams and Anthony Branch, and again</p> <p>22 I am not certain about Mike Lewis.</p> <p>23 Q. Understandable. With respect to the term "issuing,"</p> <p>24 can you help me understand a little bit better about</p> <p>25 what that means? What does it mean to issue an</p>	Page 43	<p>1 A. I just believe it was a decision that John Daly wanted</p> <p>2 his directors and individuals who reported to him,</p> <p>3 which Mike Lewis, I believe, did, wanted them on</p> <p>4 agreements.</p> <p>5 Q. Now, when I see -- well, let me ask you this question:</p> <p>6 What job position did Randy Dellaposta occupy at the</p> <p>7 time where an employment agreement was executed with</p> <p>8 him?</p> <p>9 A. At that particular time, Randy Dellaposta would have</p> <p>10 been director of equipment and fleet.</p> <p>11 Q. Equipment and fleet?</p> <p>12 A. That is correct.</p> <p>13 Q. That director position no longer exists; is that</p> <p>14 correct?</p> <p>15 A. That position do still exist, and it's carried out</p> <p>16 under Randy Dellaposta capacity as the deputy</p> <p>17 director; and prior to him being the deputy director,</p> <p>18 it was carried out as him being the director of</p> <p>19 operations.</p> <p>20 Q. Let me ask you a branch-off question that comes a</p> <p>21 little bit from that. Randy Dellaposta, at the time</p> <p>22 that we're first talking, let's just call that the</p> <p>23 fleet director just for ease of simplicity, he was the</p> <p>24 fleet director when this employment agreement was</p> <p>25 executed with him; is that right?</p>	Page 45

<p>1 A. That is correct.</p> <p>2 Q. Okay. And later he became the operations director?</p> <p>3 A. That is correct.</p> <p>4 Q. Was a new employment agreement executed with him when</p> <p>5 he became the operations director?</p> <p>6 A. No. If I may, at this time in which Randy became the</p> <p>7 director of operations, Mr. Daly was no longer the</p> <p>8 managing director for the Genesee County Road</p> <p>9 Commission.</p> <p>10 Q. Ah, okay. And therein lays my next question. So</p> <p>11 after John Daly was managing director, who was the</p> <p>12 managing director then?</p> <p>13 A. After John Daly was the managing director, then Fred</p> <p>14 Peivandi became the Genesee County Road Commission's</p> <p>15 managing director, and he did not want Randy</p> <p>16 Dellaposta on an employment agreement.</p> <p>17 MS. GAFKAY: I mean, when you're ready,</p> <p>18 can we take a break? We've been going now --</p> <p>19 MR. CASCINI: More than fair. That's</p> <p>20 totally fine.</p> <p>21 (Recess taken.)</p> <p>22 MR. CASCINI: Let's go back on the</p> <p>23 record.</p> <p>24 Q. (BY MR. CASCINI) Ms. Poplar, during your break, did</p> <p>25 you have an opportunity to consult with anyone other</p>	Page 46	<p>1 Q. Did any employees who were not direct reports to John</p> <p>2 Daly, during John Daly's tenure as the managing</p> <p>3 director, have employment agreements?</p> <p>4 A. For point of clarification, Cherry Grant, Rachel</p> <p>5 Mullen did not report directly to John Daly. Now, to</p> <p>6 answer your question, I'm not aware.</p> <p>7 Q. Okay. Who did Rachel Mullen and Cherry Grant report</p> <p>8 to?</p> <p>9 A. Me.</p> <p>10 Q. Did you ask all of the employees who directly report</p> <p>11 to you to execute employment agreements?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did all of the employees who reported to John</p> <p>14 Daly have employment agreements with the GCRC?</p> <p>15 A. (No response).</p> <p>16 Q. And let me clarify one thing. I apologize because</p> <p>17 that was ambiguous. Did all of the employees who</p> <p>18 directly reported to John Daly have employment</p> <p>19 agreements with the GCRC?</p> <p>20 MS. GAFKAY: I'm just going to object,</p> <p>21 lack of foundation; but go ahead.</p> <p>22 Q. (BY MR. CASCINI) You can answer the question.</p> <p>23 MS. GAFKAY: I just want to make sure</p> <p>24 the record, later we don't -- I'm kind of confused as</p> <p>25 to who the direct report is, but we can ask her at the</p>	Page 48
<p>1 than your attorneys?</p> <p>2 A. No.</p> <p>3 Q. Okay. When we left off, I was asking you some</p> <p>4 questions about employment agreements at the GCRC and</p> <p>5 the process by which employment agreements are issued.</p> <p>6 You said you were involved with</p> <p>7 drafting the employment agreements and then issuing</p> <p>8 them, by which you meant that you actually get them</p> <p>9 and distribute them to the employee who received it;</p> <p>10 is that right?</p> <p>11 A. That's correct.</p> <p>12 Q. Now, you also mentioned that John Daly's practice was</p> <p>13 to give the employees who reported to him employment</p> <p>14 agreements; is that right?</p> <p>15 A. That is correct.</p> <p>16 Q. Did he issue employment agreements to -- well, let me</p> <p>17 back up.</p> <p>18 Does every nonunion employee at the</p> <p>19 GCRC have an employment agreement?</p> <p>20 MS. GAFKAY: Object to the form. Are</p> <p>21 you talking about under John Daly or now?</p> <p>22 Q. (BY MR. CASCINI) Well, under John Daly, did every</p> <p>23 employee of the GCRC who was nonunion have an</p> <p>24 employment agreement?</p> <p>25 A. Not to my knowledge.</p>	Page 47	<p>1 end who the direct reports are so we're clear.</p> <p>2 THE WITNESS: I'm not aware.</p> <p>3 Q. (BY MR. CASCINI) Did John Daly ever explain to you</p> <p>4 why he asked some employees to execute employment</p> <p>5 agreements with the GCRC?</p> <p>6 A. I can't remember.</p> <p>7 Q. Did he ever ask you for a recommendation in your</p> <p>8 professional capacity as the Human Resources director</p> <p>9 about whether or not employees should be issued</p> <p>10 employment agreements with the GCRC?</p> <p>11 A. I can't recall.</p> <p>12 Q. Prior to your tenure as the HR director, are you aware</p> <p>13 of whether any employees that directly reported to</p> <p>14 John Daly had employment agreements with the GCRC?</p> <p>15 A. Will you repeat your question, please?</p> <p>16 Q. Are you aware of whether, prior to your tenure, this</p> <p>17 was a practice that John Daly sometimes executed with</p> <p>18 employees who directly reported to him?</p> <p>19 A. I'm not aware.</p> <p>20 Q. Prior to your tenure, are you aware of whether any</p> <p>21 employees who worked in the Human Resources Department</p> <p>22 had employment agreements with the GCRC?</p> <p>23 A. I'm not aware.</p> <p>24 MR. CASCINI: I would like to just show</p> <p>25 you another exhibit. We'll mark this one as Exhibit</p>	Page 49

<p>1 No. 4.</p> <p>2 (Document marked Deposition</p> <p>3 Exhibit No. 4.)</p> <p>4 MR. CASCINI: We've all marked this</p> <p>5 document as Exhibit No. 4. For ease of the record,</p> <p>6 this is the three-page document with Bates No.</p> <p>7 Defendants RPD Response 8 - 25 and subsequent.</p> <p>8 Q. (BY MR. CASCINI) Ms. Poplar, do you recognize this</p> <p>9 document?</p> <p>10 A. I do.</p> <p>11 Q. Is this an Employment Agreement that you entered into</p> <p>12 with the GCRC?</p> <p>13 A. It is.</p> <p>14 Q. Did you draft the initial version of this Employment</p> <p>15 Agreement?</p> <p>16 A. I did not.</p> <p>17 Q. Do you know who did draft the initial version of this</p> <p>18 Employment Agreement?</p> <p>19 A. I do not.</p> <p>20 Q. Is that your signature that appears on the final page</p> <p>21 of this document?</p> <p>22 A. It is.</p> <p>23 Q. And the date on this particular document is December</p> <p>24 15, 2017; is that correct?</p> <p>25 A. That is correct.</p>	<p>Page 50</p>	<p>1 agreements in and around December of 2017 to be given</p> <p>2 to employees?</p> <p>3 A. I did not.</p> <p>4 Q. Do you know whether John Daly had Board approval to</p> <p>5 execute any employment agreements in December of 2017?</p> <p>6 A. I do not.</p> <p>7 Q. Do you know whether John Daly had approval from the</p> <p>8 Genesee County Board of Commissioners to execute any</p> <p>9 of the three employment agreements we've introduced</p> <p>10 into evidence today that relate to you?</p> <p>11 A. I do not.</p> <p>12 Q. Do employees in your department, we're referring to</p> <p>13 today, now, and I understand it's been confusing,</p> <p>14 we've been jumping time frames, but as of today, are</p> <p>15 there any employees at GCRC that have employment</p> <p>16 agreements?</p> <p>17 A. Would you repeat the question?</p> <p>18 Q. As of today, are there any employees of the GCRC that</p> <p>19 have employment agreements with the GCRC?</p> <p>20 MS. GAFKAY: Object to the form. Other</p> <p>21 than her?</p> <p>22 Q. (BY MR. CASCINI) Yes, other than you.</p> <p>23 A. I'm not aware.</p> <p>24 Q. So it is your position that this employment agreement</p> <p>25 is still active?</p>
<p>1 Q. Now, I want to ask you the same question I asked you a</p> <p>2 little bit earlier with reference to, is there a</p> <p>3 reason why you executed Employment Agreement number</p> <p>4 three, which is Exhibit No. 4, so soon after you</p> <p>5 executed the second Employment Agreement, that is to</p> <p>6 say Exhibit No. 3?</p> <p>7 MS. GAFKAY: Object to the form.</p> <p>8 MR. CASCINI: You should have because</p> <p>9 that was a bad question.</p> <p>10 Q. (BY MR. CASCINI) You executed the third employment</p> <p>11 agreement approximately ten months after you executed</p> <p>12 the second employment agreement. Do you remember why</p> <p>13 that is?</p> <p>14 A. I do not.</p> <p>15 Q. Do you remember whether John Daly asked you to execute</p> <p>16 a new Employment agreement or whether you requested to</p> <p>17 execute a new employment agreement?</p> <p>18 A. I do not.</p> <p>19 Q. Do you know if any employees other than you were</p> <p>20 offered new employment agreements in December of 2017?</p> <p>21 A. I do not.</p> <p>22 Q. Do you happen to know whether Anthony Branch was</p> <p>23 issued a new employment agreement in December of 2017?</p> <p>24 A. I do not.</p> <p>25 Q. Did you draft any initial versions of employment</p>	<p>Page 51</p>	<p>1 A. That is my understanding, yes.</p> <p>2 Q. And you're not aware whether there's anybody else</p> <p>3 right now that has one?</p> <p>4 A. I'm not aware.</p> <p>5 Q. Now, I believe you mentioned earlier, again, please</p> <p>6 don't let me misstate your testimony if this is not</p> <p>7 correct, I believe that you mentioned earlier that</p> <p>8 Fred Peivandi does not carry forward the practice of</p> <p>9 executing employment agreements with his direct</p> <p>10 reports; is that right?</p> <p>11 MS. GAFKAY: Object to the form, lack</p> <p>12 of foundation.</p> <p>13 Q. (BY MR. CASCINI) Does Fred Peivandi carry forward</p> <p>14 John Daly's practice of executing employment</p> <p>15 agreements with his direct reports?</p> <p>16 A. Fred Peivandi would have to answer that question.</p> <p>17 Q. Okay. So he doesn't -- he's not involved in the</p> <p>18 practice of using you to either draft them or issue</p> <p>19 them if he issues them?</p> <p>20 A. That is correct.</p> <p>21 Q. So you don't draft any employment agreements under</p> <p>22 Fred Peivandi or haven't drafted any employment</p> <p>23 agreements under Fred Peivandi?</p> <p>24 A. That is correct.</p> <p>25 Q. And you haven't issued any, either; is that right?</p>

<p>1 A. That is correct.</p> <p>2 Q. At the time, so we're shifting our focus to December</p> <p>3 of 2017, which is when your third employment agreement</p> <p>4 was executed, at that time, are you aware if any other</p> <p>5 employees had employment agreements as of then?</p> <p>6 A. I'm not aware.</p> <p>7 Q. Do you know if Anthony Branch has an employment</p> <p>8 agreement today?</p> <p>9 A. I'm not aware.</p> <p>10 Q. Do you know if Randy Dellaposta has an employment</p> <p>11 agreement today?</p> <p>12 A. Under his new position, to my knowledge, he doesn't.</p> <p>13 Q. Coetta Adams and Cherry Grant are no longer employees</p> <p>14 of the GCRC; is that right?</p> <p>15 A. That is correct.</p> <p>16 Q. Do you know if Rachel Mullen has an employment</p> <p>17 agreement today?</p> <p>18 A. Rachel Mullen's employment agreement would be that</p> <p>19 that was given to her in 2017. There has not been</p> <p>20 anything given to her since 2017.</p> <p>21 Q. Okay. So she does have one today, but it would've</p> <p>22 been predating -- it wasn't executed this year; right?</p> <p>23 A. That is correct.</p> <p>24 Q. Got it. Okay. What about Mike Lewis, does Mike Lewis</p> <p>25 have an employment agreement today?</p>	Page 54	<p>1 Q. Fair enough. Are you aware if any of the employment</p> <p>2 contracts that the GCRC currently has executed have a</p> <p>3 just cause?</p> <p>4 A. I'm aware that my employment agreement has a just</p> <p>5 cause.</p> <p>6 Q. Are you aware of any other employees have a just</p> <p>7 cause?</p> <p>8 A. Without seeing the actual agreement, I can't answer</p> <p>9 that question.</p> <p>10 Q. Are you aware if any employees with the GCRC currently</p> <p>11 have at-will employment agreements?</p> <p>12 A. I'm not aware of that unless I see the agreement by</p> <p>13 which you're speaking to.</p> <p>14 Q. Well, Rachel Mullen and -- Rachel Mullen and Cherry</p> <p>15 Grant were in your department; correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Were or are in your department?</p> <p>18 A. Correct.</p> <p>19 Q. And they both appeared at a time coextensive with</p> <p>20 your -- with you being the HR director, they had</p> <p>21 employment agreements; right?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay. So your testimony is, you do not remember</p> <p>24 whether they're just cause or at-will employment</p> <p>25 agreements?</p>	Page 56
<p>1 A. I'm not sure.</p> <p>2 Q. Are employment agreements that the GCRC executes, are</p> <p>3 they just cause or at will or a mix of the two?</p> <p>4 MS. GAFKAY: Objection; lack of</p> <p>5 foundation.</p> <p>6 Q. (BY MR. CASCINI) You execute employment agreements</p> <p>7 with GCRC; right?</p> <p>8 A. As of 2017, February of 2017, I have not executed any</p> <p>9 employment agreements.</p> <p>10 Q. Fair enough. The GCRC during your tenure has executed</p> <p>11 employment agreements with employees; right?</p> <p>12 A. That is correct.</p> <p>13 Q. And we've already had testimony about that; right?</p> <p>14 A. That is correct.</p> <p>15 Q. And you've testified that not everybody, to whom</p> <p>16 you're aware, has one, to the best of your</p> <p>17 recollection; right?</p> <p>18 A. That is correct.</p> <p>19 Q. Under those agreements, employment agreements as you</p> <p>20 know in your experience as an HR professional, some</p> <p>21 have at-will employment terms and some have just cause</p> <p>22 termination standards; is that right?</p> <p>23 A. In order for me to speak to that, I would have to look</p> <p>24 at each individual agreement to confirm what you're</p> <p>25 asking.</p>	Page 55	<p>1 A. Again, I would have to refer to the document itself</p> <p>2 for me to confirm and be able to answer your question.</p> <p>3 Q. You did testify earlier that you put together the</p> <p>4 initial drafts of some of the employment agreements?</p> <p>5 A. That is correct.</p> <p>6 Q. All right. Is it your practice to include just cause</p> <p>7 terms, at-will terms or does it vary?</p> <p>8 A. Again, I can't remember what was actually put into</p> <p>9 those particular agreements without looking at the</p> <p>10 particular document.</p> <p>11 Q. Okay. So you don't have a standard practice of, if</p> <p>12 someone sat down and told you, hey, I need you to</p> <p>13 draft an employment agreement for somebody, you don't</p> <p>14 have a standard package of what you would ordinarily</p> <p>15 put in there?</p> <p>16 A. No.</p> <p>17 Q. It's individualized; it's specified to whichever</p> <p>18 employee and circumstance upon which an employee would</p> <p>19 be hired?</p> <p>20 A. It would be based on what I'm instructed to do.</p> <p>21 Q. Ah, I see. Okay. Well, then, let me ask you a</p> <p>22 clarifying question about that. You already testified</p> <p>23 that John Daly may or may not have modified the</p> <p>24 versions, the initial drafts that you gave when he</p> <p>25 actually issued the agreements and executed them;</p>	Page 57

<p>1 right?</p> <p>2 <b>A.</b> That is correct.</p> <p>3 Q. You don't know whether he did that?</p> <p>4 <b>A.</b> That is correct.</p> <p>5 Q. Okay. Did John Daly ever direct you to include a just</p> <p>6 cause term in an employment agreement?</p> <p>7 <b>A.</b> I can't remember.</p> <p>8 Q. Did he ever direct you to include an at-will term in</p> <p>9 an employment agreement?</p> <p>10 <b>A.</b> I can't remember.</p> <p>11 Q. I would like to ask you some questions, then, about</p> <p>12 arbitration provisions and employment agreements.</p> <p>13 Have you ever, to the best of your recollection,</p> <p>14 drafted an employment agreement, an initial draft that</p> <p>15 went to John Daly, that included an arbitration</p> <p>16 provision?</p> <p>17 <b>A.</b> I can't recall.</p> <p>18 Q. Do you know who drafted the initial versions of your</p> <p>19 employment agreements, the ones that you executed with</p> <p>20 the GCRC, just to be clear?</p> <p>21 <b>A.</b> I can't remember.</p> <p>22 Q. Is that something that you knew at one time or believe</p> <p>23 that you knew at one time?</p> <p>24 <b>A.</b> I'm not sure.</p> <p>25 Q. You mentioned earlier that you didn't know whether or</p>	<p>Page 58</p>	<p>1 the GCRC currently?</p> <p>2 <b>A.</b> I don't understand your question.</p> <p>3 Q. The GCRC has several director level positions; right?</p> <p>4 <b>A.</b> I'm still not understanding your question.</p> <p>5 Q. Okay. You are the HR director; correct?</p> <p>6 <b>A.</b> That is correct.</p> <p>7 Q. There is a maintenance director; correct?</p> <p>8 <b>A.</b> That is correct.</p> <p>9 Q. And there's an engineering director?</p> <p>10 <b>A.</b> That is correct.</p> <p>11 Q. Are there any other directors?</p> <p>12 <b>A.</b> Sure. You have the maintenance director, you have the</p> <p>13 engineering director. You want current or back when?</p> <p>14 Q. Yeah, currently, as of today.</p> <p>15 <b>A.</b> It would be the managing director, it would be the</p> <p>16 deputy managing director, the maintenance director,</p> <p>17 the engineering director, the finance director, and</p> <p>18 myself as the HR administrative service director.</p> <p>19 Q. Got it. Now, we've already had some testimony that</p> <p>20 the director level positions have changed over the</p> <p>21 years, as you might expect, Randy Dellaposta being the</p> <p>22 prior off-spin of an operations director and fleet</p> <p>23 director position. Are those positions no longer</p> <p>24 extant at the GCRC?</p> <p>25 <b>A.</b> Operations director and the fleet director are</p>	<p>Page 60</p>
<p>1 not John Daly had approval to execute, from the Board,</p> <p>2 to execute any of your three employment agreements.</p> <p>3 Does the GCRC policy require him to have approval?</p> <p>4 <b>A.</b> I'm not sure.</p> <p>5 Q. During your tenure as the HR director, my</p> <p>6 understanding is that you served alongside Fred</p> <p>7 Peivandi during the period time when he was</p> <p>8 engineering director; is that right?</p> <p>9 <b>A.</b> That is correct.</p> <p>10 Q. And when did he become a managing director?</p> <p>11 <b>A.</b> I believe it would've been in 2018.</p> <p>12 Q. Well, I actually just didn't -- he spent time as a</p> <p>13 co-interim managing director before he was a managing</p> <p>14 director; right?</p> <p>15 <b>A.</b> That is correct.</p> <p>16 Q. Along with Anthony Branch, who was also the other</p> <p>17 co-interim managing director?</p> <p>18 <b>A.</b> That is correct.</p> <p>19 Q. Okay. And then Fred Peivandi was given the managing</p> <p>20 director job by the Board in 2018?</p> <p>21 <b>A.</b> That is correct.</p> <p>22 Q. Okay. Prior to being appointed the co-interim</p> <p>23 managing director, he was the director of engineering?</p> <p>24 <b>A.</b> That is correct.</p> <p>25 Q. Okay. What are all the director level positions at</p>	<p>Page 59</p>	<p>1 combined up under Randy Dellaposta.</p> <p>2 Q. Does he have additional duties now as the deputy</p> <p>3 managing director beyond just the consolidated duties</p> <p>4 of the fleet director position and the operations</p> <p>5 director position?</p> <p>6 <b>A.</b> Without looking at his resume, I wouldn't know what</p> <p>7 the additional --</p> <p>8 Q. Fair enough.</p> <p>9 <b>A.</b> -- duties would be.</p> <p>10 Q. Fair enough. Prior to the creation -- well, let me</p> <p>11 ask you this question: When was the deputy managing</p> <p>12 director position created?</p> <p>13 <b>A.</b> The deputy managing director position, I believe,</p> <p>14 became effective October of last year.</p> <p>15 Q. Okay. Prior to the creation of the deputy managing</p> <p>16 director position, did the fleet director position or</p> <p>17 the operations direct position exist?</p> <p>18 <b>A.</b> That is correct.</p> <p>19 Q. They both existed?</p> <p>20 <b>A.</b> Up under Randy Dellaposta.</p> <p>21 Q. Okay. Did he occupy both titles at the same time?</p> <p>22 <b>A.</b> They were, like, merged into one.</p> <p>23 Q. Got it. I understand. How would you describe your</p> <p>24 working relationship with Fred Peivandi when he was</p> <p>25 the engineering director during the period of time</p>	<p>Page 61</p>

<p>1 when you were the HR director?</p> <p>2 <b>A.</b> Challenging.</p> <p>3 Q. How was it challenging?</p> <p>4 <b>A.</b> Fred had views about African-Americans that I didn't</p> <p>5 subscribe to. He also had views about the deputy</p> <p>6 managing director, at that time John Daly, that I did</p> <p>7 not subscribe to.</p> <p>8 Q. You mean the managing director, John Daly?</p> <p>9 <b>A.</b> That's correct.</p> <p>10 Q. There was no deputy managing director at that time;</p> <p>11 right?</p> <p>12 <b>A.</b> No.</p> <p>13 Q. So just a pure error; right?</p> <p>14 <b>A.</b> (Nodding head affirmatively).</p> <p>15 Q. I just want to make sure I didn't misunderstand the</p> <p>16 history there.</p> <p>17 Let's first talk about your testimony</p> <p>18 about the views about African-Americans that I do not</p> <p>19 subscribe do. What views do you believe Fred</p> <p>20 expressed about African-Americans to which you did not</p> <p>21 subscribe to?</p> <p>22 <b>A.</b> He specifically made it very clear to me that he had</p> <p>23 an issue with the amount of money that Anthony Branch</p> <p>24 was making, in other words, Anthony Branch's salary.</p> <p>25 He felt that because Anthony Branch was not degreed</p>	Page 62	<p>1 <b>A.</b> I believe that she may have been -- I'm not sure. I'm</p> <p>2 not sure.</p> <p>3 MS. GAFKAY: And he started asking you</p> <p>4 questions. Were you -- did you still have more to</p> <p>5 testify on Fred's views regarding African-Americans?</p> <p>6 MR. CASCINI: Well, I want to ask</p> <p>7 clarifying questions about a couple of things</p> <p>8 before --</p> <p>9 MS. GAFKAY: Yeah, you can, but --</p> <p>10 MR. CASCINI: -- I circle back to that.</p> <p>11 MS. GAFKAY: You can, that's fine. I</p> <p>12 just want to make sure that she's completed her answer</p> <p>13 and given an opportunity to complete the answer. I</p> <p>14 appreciate you may have intervening questions, but I</p> <p>15 don't think that she was done.</p> <p>16 MR. CASCINI: Fair enough. So why</p> <p>17 don't we make a comprehensive list and then we can</p> <p>18 kind of circle back and go through details of it. I</p> <p>19 have no issues with ordering it in that way.</p> <p>20 Q. (BY MR. CASCINI) What other views about African-</p> <p>21 Americans to which you do not subscribe did you</p> <p>22 believe that Fred held?</p> <p>23 <b>A.</b> He felt that Makini Jackson, an African-American</p> <p>24 female who held the position of the HR director --</p> <p>25 administrative service director prior to me, he felt</p>	Page 64
<p>1 that he should not be making the same amount of money</p> <p>2 that he made.</p> <p>3 He also felt that Anthony Branch didn't</p> <p>4 clearly understand his responsibilities as he did and</p> <p>5 that they should not be at the same level.</p> <p>6 Q. What other views about African-Americans to which you</p> <p>7 did not subscribe do you believe he held?</p> <p>8 <b>A.</b> He felt that Joyce McLain should have no input into</p> <p>9 the purchasing of the engineering department because</p> <p>10 she didn't know what she was doing.</p> <p>11 Q. Who is Joyce McLain?</p> <p>12 <b>A.</b> Joyce McLain used to be the purchasing director -- I'm</p> <p>13 sorry -- purchasing manager for GCRC.</p> <p>14 Q. Joyce McLain served as the purchasing manager</p> <p>15 approximately when?</p> <p>16 <b>A.</b> She was in that position when I was hired in 2016.</p> <p>17 Q. And you said she no longer -- she used to be. So when</p> <p>18 was she terminated?</p> <p>19 <b>A.</b> She would have been terminated on or about</p> <p>20 approximately 2019, the year '19.</p> <p>21 Q. Approximately 2019?</p> <p>22 <b>A.</b> It could've been 2019, it could've been 2018 as well.</p> <p>23 Q. Sure. She was terminated from that job when Fred</p> <p>24 Peivandi was the managing director, though, just to</p> <p>25 orient us in time?</p>	Page 63	<p>1 that she was ignorant. She didn't know what she was</p> <p>2 doing, and reference her as being crazy, and he felt</p> <p>3 that she was giving vendors a hard time. She had a</p> <p>4 nasty disposition. She was hard to work with, and she</p> <p>5 was very aggressive.</p> <p>6 Q. Did he have any other concerns about Makini Jackson?</p> <p>7 <b>A.</b> Oh, he didn't like the way she was always blowing her</p> <p>8 nose.</p> <p>9 Q. I've been told that I blow my nose in an obnoxious</p> <p>10 fashion, so I have sympathy.</p> <p>11 Makini Jackson, you said, was the HR</p> <p>12 director. Did she predate you as the HR director?</p> <p>13 <b>A.</b> That is correct.</p> <p>14 Q. Okay. When did her employment end?</p> <p>15 <b>A.</b> It would have ended on or before October 2016.</p> <p>16 Q. Sorry. I asked you an obvious question; it wasn't a</p> <p>17 trick question, I promise.</p> <p>18 Was John Daly the individual who</p> <p>19 terminated Makini Jackson?</p> <p>20 <b>A.</b> I'm not sure.</p> <p>21 Q. Do you know whether or not Makini Jackson is currently</p> <p>22 the subject of -- or the Plaintiff in a lawsuit</p> <p>23 against the GCRC?</p> <p>24 <b>A.</b> I'm not sure if I have any information on that.</p> <p>25 Q. So are you aware that there may be a lawsuit?</p>	Page 65

<p>1 A. I am.</p> <p>2 Q. Okay. But you don't know any details about the</p> <p>3 lawsuit?</p> <p>4 A. I do not.</p> <p>5 Q. Okay. You're not involved in defending the lawsuit in</p> <p>6 any way?</p> <p>7 A. No.</p> <p>8 Q. Makini Jackson, do you know approximately -- well,</p> <p>9 sorry. She was probably terminated in 2016, I</p> <p>10 imagine. But was she terminated in -- you mentioned</p> <p>11 that you had two interviews for the HR position;</p> <p>12 right?</p> <p>13 A. That is correct.</p> <p>14 Q. Had she been terminated prior to the first interview</p> <p>15 or prior to the second interview?</p> <p>16 A. I can't answer that question.</p> <p>17 Q. You can't answer it? You just --</p> <p>18 A. I'm not sure when her termination date was.</p> <p>19 Q. Understandable. What other views about African-</p> <p>20 Americans to which you do not subscribe do you believe</p> <p>21 Fred held?</p> <p>22 A. At the time in which he was the engineering director,</p> <p>23 is that what you're still referencing to?</p> <p>24 Q. Sure, we can do that. Limited to the period of time</p> <p>25 in which he was the engineering director, what other</p>	Page 66	<p>1 Q. Okay. Now, you mentioned -- let's refer to his views</p> <p>2 about Anthony Branch. You said that he had issues</p> <p>3 about the amount of money that Anthony Branch made; is</p> <p>4 that right?</p> <p>5 A. That is correct.</p> <p>6 Q. And you said that he made it very clear to you that he</p> <p>7 had those issues?</p> <p>8 A. That is correct.</p> <p>9 Q. How did he make it clear to you that he had those</p> <p>10 issues?</p> <p>11 A. Unannounced, shortly after I became the HR director in</p> <p>12 2016, Fred Peivandi came to my office, and he wanted</p> <p>13 to talk to me about his concerns related to him and</p> <p>14 Anthony Branch and their salary; and he felt that</p> <p>15 because, again, that Anthony Branch did not have a</p> <p>16 degree, he didn't feel that Anthony was qualified for</p> <p>17 the position he was holding, that he should not be</p> <p>18 making the same amount of salary that he was making;</p> <p>19 and based on that, he wanted me to talk to John Daly</p> <p>20 about increasing his salary.</p> <p>21 Q. And when you say "his," you're referring to Fred's?</p> <p>22 A. That is correct.</p> <p>23 Q. Did you talk to John Daly about increasing Fred's</p> <p>24 salary?</p> <p>25 A. I did.</p>	Page 68
<p>1 views about African-Americans to which you do not</p> <p>2 subscribe do you believe Fred held?</p> <p>3 A. I believe --</p> <p>4 MS. GAFKAY: I'm going to object to the</p> <p>5 form of the question, but -- I think it's confusing,</p> <p>6 but go ahead, keep going.</p> <p>7 MR. CASCINI: I can rephrase. That's</p> <p>8 not a problem.</p> <p>9 Q. (BY MR. CASCINI) Limited to the time period when Fred</p> <p>10 Peivandi was the engineering director, so this would</p> <p>11 be prior to 2018, during, obviously, the period of</p> <p>12 time when you were with the GCRC when you had an</p> <p>13 opportunity to know him, what other views about</p> <p>14 African-Americans to which you did not subscribe did</p> <p>15 you believe that Fred held?</p> <p>16 A. I believe that I shared what I can remember, but I</p> <p>17 don't believe that what I shared is all-inclusive.</p> <p>18 Q. Why do you believe that that is not all-inclusive?</p> <p>19 A. Because as I ponder it more, more things may come to</p> <p>20 my memory; but right now, that's what comes to my</p> <p>21 memory.</p> <p>22 Q. So right now that's what you can remember, but there's</p> <p>23 a possibility you could remember things at a later</p> <p>24 time?</p> <p>25 A. That is correct.</p>	Page 67	<p>1 Q. What did John say?</p> <p>2 A. And for clarification, I talked to John Daly about</p> <p>3 Fred Peivandi's concerns about wanting to have his</p> <p>4 salary increased and the reason why he felt it should</p> <p>5 be increased.</p> <p>6 Q. So that I understand you, you talked to John Daly and</p> <p>7 said that Fred believed he should have his salary</p> <p>8 increased. Am I understanding you right?</p> <p>9 A. That is correct.</p> <p>10 Q. Okay. So you didn't make a recommendation about</p> <p>11 whether the salary should be increased?</p> <p>12 A. I did not.</p> <p>13 Q. And you also relayed to John Daly those reasons Fred</p> <p>14 had expressed to you for which Fred's salary should be</p> <p>15 increased; right?</p> <p>16 A. That is correct.</p> <p>17 Q. Do you remember approximately when Fred had that</p> <p>18 conversation with you?</p> <p>19 A. I was hired in October of 2016. So I would say,</p> <p>20 approximately, maybe a month or two after that, give</p> <p>21 or take.</p> <p>22 Q. Were there other ways in which Fred made it very clear</p> <p>23 that he had an issue with the amount of money Anthony</p> <p>24 Branch made?</p> <p>25 A. Yeah. He verbalized it, and when I had the</p>	Page 69

<p>1 conversation with Mr. Daly, Mr. Daly told me that he 2 heard that before from Fred, and I was to not be 3 involved in that, and he would handle it. 4 Q. Okay. Other than the October 2016, keeping in mind 5 it's approximate, I understand, other than that 6 conversation that he had with you, were there other 7 conversations he had with you in which he made it very 8 clear that he had objections to the amount of money 9 that Anthony Branch made? 10 A. Throughout the years, prior to Mr. Peivandi becoming 11 the managing director, he's made that comment numerous 12 times. 13 Q. What were some of the other instances you can recall 14 when he made that comment? 15 A. Just conversations with him, dealing with other 16 issues, and actually, to be more specific, when we 17 were talking about the wage analysis that we were 18 getting conducted through Sage Consulting Services, 19 that conversation came up many times. 20 Q. When did you have a wage analysis conducted by Sage 21 Consulting Services? 22 A. I believe it would've been sometime in latter 2019 or 23 early '20; certainly prior to the Covid. 24 Q. And at this period of time, Fred was the managing 25 director; is that right?</p>	<p>Page 70 1 have you ever reviewed what maintenance directors or 2 other director level positions make at other road 3 commissions? 4 A. Only what I've seen on certain documents that when 5 another road commission is doing a study, they want us 6 to get involved, then they'll send us a copy of what 7 they're working off of as well. 8 Q. So you may have the incidental opportunity to view 9 some data, but there's never been any other wage study 10 conducted by -- 11 A. That is correct, not by the Road Commission. 12 Q. And that's not something you've independently ever 13 researched? 14 A. I wouldn't say that. I would say that I have looked 15 at the materials that have been provided to me, but 16 not in the sense of me doing an individual study 17 myself, no. 18 Q. Okay. Well, apart from the materials that you viewed 19 that were collected by other agencies that you've had 20 the opportunity to review, have you ever, independently 21 of that, gone out to research what other directors 22 have made at other road commissions? 23 A. No. 24 Q. How often are wage studies conducted? 25 A. Since I've been here in 2016, the first wage study</p>
<p>1 A. That is correct. 2 Q. What do you remember about the comments that he made 3 about Anthony Branch's salary around that time? 4 A. Well, during that particular time, he felt that 5 Anthony Branch was making too much money, again; and 6 when Sage concluded its findings that showed Anthony 7 Branch, he should be making more money at the time, he 8 took offense to that; and he wanted to compare 9 Anthony's duties to the duties of other road 10 commissions' maintenance managers or people who held 11 some similar position, which those dollars amount was 12 a lot less, and that's where he felt Anthony Branch 13 should be. 14 Q. Are you aware of what other managing directors at 15 other road commissions make? 16 A. I have looked at some wage scales, but I can't say off 17 the top of my head exactly what those dollar amounts 18 were. 19 Q. Did you participate or receive the results of the wage 20 study conducted by Sage Accounting Services in 2019 or 21 2020? 22 A. I did. 23 Q. Had you conducted any subsequent wage studies? 24 A. No. 25 Q. So forgetting the 2019 wage study that Sage consulted,</p>	<p>Page 71 1 that was ever conducted was the one that I initiated 2 through Sage. 3 Q. Okay. We're going to take a transition back, and 4 we're going to start talking a little bit about -- you 5 mentioned that another thing that Fred made very clear 6 to you was that Anthony Branch did not understand his 7 responsibilities; is that correct? 8 A. That is correct. 9 Q. Okay. How did he make that very clear to you? 10 A. He felt that Anthony Branch was in his position 11 because of somebody he knew and that Anthony Branch 12 did not come in with no specific training. 13 Q. And how did he make that clear to you? What was the 14 nature of him -- did you have a conversation about it, 15 did he just give you a memorandum? 16 A. It was just a part of a verbal conversation that we 17 were having at the time. 18 Q. And is this the same verbal conversation that you had 19 around October of 2018 when he asked you to go and 20 talk to John Daly about increasing his salary? 21 A. That is correct. It would not have been in the month 22 of October; it would've been shortly after the month 23 of October. 24 Q. I apologize. So as part of the same conversation, 25 though, whenever that may have occurred, shortly after</p>

<p>1      October?</p> <p>2      <b>A.</b> That is correct.</p> <p>3      Q. Got it. So has he ever subsequently made it clear in</p> <p>4      any other way that he believes that Anthony Branch</p> <p>5      does not understand his responsibilities?</p> <p>6      <b>A.</b> Are you speaking in terms of his position when he was</p> <p>7      the director of engineering or in his current position</p> <p>8      as the managing director?</p> <p>9      Q. Good clarification. During the period of time where</p> <p>10     he was the director of engineering.</p> <p>11     <b>A.</b> That would be the time at which he was having those</p> <p>12     communications with me.</p> <p>13     Q. And that was the only time, is during the period of</p> <p>14     time when he was the engineering director?</p> <p>15     <b>A.</b> That is correct.</p> <p>16     Q. Got it, okay.</p> <p>17     <b>A.</b> But that is not the only time that he mentioned</p> <p>18     Anthony Branch's salary.</p> <p>19     Q. Understandable. And we just talked about that, right,</p> <p>20     when -- I believe you already testified to everything</p> <p>21     you knew about instances when Fred Peivandi was the</p> <p>22     engineering director and he made references to Anthony</p> <p>23     Branch's salary?</p> <p>24     <b>A.</b> As I stated earlier, that's what comes to memory now,</p> <p>25     but it's not all-inclusive.</p>	Page 74	<p>1      she should not be responsible for purchasing the</p> <p>2      equipment that the engineering department needed, and</p> <p>3      that she should have nothing to do with the bid</p> <p>4      process, that's something that he should be doing on</p> <p>5      his own through his department.</p> <p>6      Q. Were there any other instances -- I should back up.</p> <p>7      Did he make all those comments in the context of one</p> <p>8      conversation?</p> <p>9      <b>A.</b> In that particular conversation, yes.</p> <p>10     Q. Did he make --</p> <p>11     <b>A.</b> And --</p> <p>12     Q. Oh, sorry. I didn't mean to interrupt.</p> <p>13     <b>A.</b> And he felt that she was to -- that she wanted to be</p> <p>14     the one that had total control over what the</p> <p>15     engineering department was doing, and she was trying</p> <p>16     to cause problems. Everything was basically pretty</p> <p>17     much negative.</p> <p>18     Q. When you say everything was basically negative, you</p> <p>19     mean with regard to his commentary about Joyce</p> <p>20     McLain's performance?</p> <p>21     <b>A.</b> And his relationship.</p> <p>22     Q. Did you have any other discussions with Fred about</p> <p>23     Joyce McLain's performance or her relationship with</p> <p>24     Fred?</p> <p>25     <b>A.</b> Not in that particular communication. It may have</p>	Page 76
<p>1      Q. Understandable.</p> <p>2      THE WITNESS: Now, before you ask me</p> <p>3      the next question, I need to take a break. Is that</p> <p>4      okay?</p> <p>5      MR. CASCINI: That's okay. Let's go</p> <p>6      off the record.</p> <p>7      (Recess taken.)</p> <p>8      MR. CASCINI: Let's go back on the</p> <p>9      record.</p> <p>10     Q. (BY MR. CASCINI) You had mentioned earlier and given</p> <p>11     testimony earlier that Joyce McLain -- or that Fred</p> <p>12     made it clear to you that Joyce McLain shouldn't have</p> <p>13     input into purchasing; is that right?</p> <p>14     <b>A.</b> That is correct.</p> <p>15     Q. How or when did he make that clear to you?</p> <p>16     <b>A.</b> I can't give you a specific window of time; but I do</p> <p>17     recall that Joyce had raised some concerns about what</p> <p>18     she considered to be some unethical purchasing</p> <p>19     practices from the engineering department and that</p> <p>20     they were not going through the purchasing procurement</p> <p>21     process here at the Road Commission. So I had that</p> <p>22     conversation with Fred Peivandi, and he made it clear</p> <p>23     that she didn't know what she was doing.</p> <p>24     Q. What else did he make clear?</p> <p>25     <b>A.</b> That she didn't know anything about engineering, and</p>	Page 75	<p>1      been later; I'm not -- I can't say for certainty when</p> <p>2      that would've been, but I've had conversations with</p> <p>3      Fred where he had been on the negative side of Joyce.</p> <p>4      Q. And during those conversations when Fred was on the</p> <p>5      negative side, what do you remember that he had said?</p> <p>6      <b>A.</b> I can't remember specifically. I just know that the</p> <p>7      conversation was more negative towards Joyce, her</p> <p>8      character and her performance.</p> <p>9      Q. And then I believe that you also -- well, let me</p> <p>10     button that up. Were there any other instances that</p> <p>11     you can remember when he made negative comments about</p> <p>12     Joyce McLain?</p> <p>13     <b>A.</b> I can't give specific times. There may have been</p> <p>14     other conversations, but I can't recall at this</p> <p>15     particular point in time. So that's not all-</p> <p>16     inclusive.</p> <p>17     Q. I understand. You also testified that Fred expressed</p> <p>18     a negative opinion of Makini Jackson's job</p> <p>19     performance; is that right?</p> <p>20     <b>A.</b> That is correct.</p> <p>21     Q. When did he make that clear to you?</p> <p>22     <b>A.</b> That would've been -- I can't give you the specific</p> <p>23     time frame, but I do recall his negative comments</p> <p>24     about Makini, when Makini fired his daughter from the</p> <p>25     city of Flint and this may have been when he was in</p>	Page 77

<p>1 the capacity of the managing -- as the managing  2 director; and he felt that I was the reason why his  3 daughter got fired from the city of Flint, and he felt  4 that Commissioner Cloyce Dickerson played a role in  5 his daughter getting fired from the city of Flint, and  6 he instructed me to write a letter, as though I was  7 crafting the letter in a way in which his daughter was  8 writing it to the interim city director -- city HR  9 director, Mr. Tyrene Walker, pleading for his daughter  10 to get her job reinstated.</p> <p>11 When I wrote the letter, as though his  12 daughter was writing it, he had his daughter come and  13 retrieve it from me right here at the Genesee County  14 Road Commission; and when Tyrene and the mayor, Mayor  15 Karen Weaver, did not reinstate at that time -- I'm  16 sorry -- the mayor and -- well, Chelli Lee, did not  17 reinstate his daughter, he accused me of betraying  18 him, made me feel like I was being subjected to, what  19 I would call work-related domestic violence at that  20 point.</p> <p>21 What I found him to be was passive  22 aggressive, that in one sense he would tell me to use  23 my influence, and when my influence did not work, then  24 the other sense, he ridiculed me. He would say things  25 to me as though I was -- didn't know what I was doing,</p>	Page 78	<p>1 characteristics you gave earlier of Makini Jackson  2 that you attribute to him?</p> <p>3 MS. GAFKAY: Object to the form.</p> <p>4 Q. (BY MR. CASCINI) During the subsequent conversations,  5 did he call her ignorant or crazy and make comments  6 about the way she blew her nose?</p> <p>7 A. He did.</p> <p>8 Q. Were there any other comments that he made in addition  9 to the ones you've already listed?</p> <p>10 A. There could be. I just can't recall to memory.</p> <p>11 Q. Okay. Let's break down a little bit about the  12 situation involving Fred's daughter to which you gave  13 some testimony. So you testified that Fred's daughter  14 was at one time employed by the city of Flint; is that  15 correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Do you know what that daughter's name is?</p> <p>18 A. I can't recall at this time.</p> <p>19 Q. That's okay.</p> <p>20 A. I can't recall.</p> <p>21 Q. In the future, I know that -- well, I believe Fred may  22 have multiple children, but when I refer to Fred's  23 daughter in these future questions, we'll be referring  24 to this daughter who was employed by the city of Flint  25 for ease of reference; okay?</p>	Page 80
<p>1 as though I was incompetent. He did begin to --</p> <p>2 MS. GAFKAY: I don't think there's a  3 question pending. I think you answered his question  4 that was on the table.</p> <p>5 THE WITNESS: Okay.</p> <p>6 Q. (BY MR. CASCINI) Do you have any additional testimony  7 to give me about the conversation in which Fred  8 expressed a negative view of Makini Jackson's  9 performance?</p> <p>10 A. Well, during that time frame. That's all he could say  11 was about her performance; she didn't know what she  12 was doing, she mistreated vendors, she was rude, she  13 was ignorant, he felt that she was crazy at times.  14 He, again, had a problem with her always walking  15 around with a Kleenex box blowing her nose.</p> <p>16 Q. I apologize, Donna, but what I meant was, were there  17 other instances when he made comments about Makini  18 Jackson's performance?</p> <p>19 A. Throughout his -- in his position as the managing  20 director, he said it numerous times.</p> <p>21 Q. Do you remember any of those specific times in which  22 he expressed those opinions?</p> <p>23 A. I do not.</p> <p>24 Q. Are the opinions he expressed during those  25 conversations coextensive with the list of negative</p>	Page 79	<p>1 So when was that daughter employed by  2 the city of Flint, to your knowledge?</p> <p>3 A. It would've been around 2019.</p> <p>4 Q. And you mentioned that she had been terminated from  5 the city of Flint at that time; is that correct?</p> <p>6 A. She got terminated at the end of 2019, I believe.</p> <p>7 Q. Now, you mentioned this in the context of describing a  8 situation with Makini Jackson. Was Makini Jackson  9 serving as the HR director for the city of Flint in  10 2019?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. She --</p> <p>13 A. Up until the end of the mayor's term in 2019.</p> <p>14 Q. I understand. At the time that Fred's daughter was  15 terminated from the city of Flint, to your knowledge,  16 was Makini Jackson the HR director for the city of  17 Flint?</p> <p>18 A. That is correct.</p> <p>19 Q. That was the circumstance upon which he made the  20 comment that you listed earlier attributed -- about  21 Makini Jackson?</p> <p>22 A. That's when he began to reiterate the comments that he  23 had been saying about her prior.</p> <p>24 Q. So was that the first instance when he had made  25 comments about Makini Jackson's performance?</p>	Page 81

<p>1 A. No.</p> <p>2 Q. There were other prior instances, but I believe you 3 testified you can't remember any specific times; 4 right?</p> <p>5 A. That is correct.</p> <p>6 Q. So with respect to the situation, you mentioned that 7 he had asked you to draft a letter on his daughter's 8 behalf?</p> <p>9 A. He did.</p> <p>10 Q. Why did he come to you to ask you to draft that 11 letter?</p> <p>12 A. Because --</p> <p>13 MS. GAFKAY: Objection; lack of 14 foundation.</p> <p>15 Q. (BY MR. CASCINI) To the extent you know, why did he 16 ask you -- why did he come to you to ask you to draft 17 that letter?</p> <p>18 A. Because I used my influence to get his daughter hired 19 in the position that she held at the city of Flint. 20 So Fred felt that I could use the same influence to 21 get her reinstated back into her position in the HR 22 Department of the city of Flint.</p> <p>23 Q. When you say used your influence, what are you 24 referring to there?</p> <p>25 A. Well, I was -- I had a good professional relationship</p>	Page 82	<p>1 that you got her hired; is that correct?</p> <p>2 A. I used my influence to get her hired. So Fred felt 3 that because I was able to use my influence to get his 4 daughter hired that I could use influence that he 5 thought I had to get her reinstated.</p> <p>6 Q. Okay. I just want to make sure that I'm understanding 7 the two instances of the influence here. The 8 influence that you just described was she had 9 falsified info on her application, is your testimony, 10 and then you said you received a call. From whom did 11 you receive a call?</p> <p>12 A. From Tia Lewis, who worked for the city of Flint in 13 the HR Department.</p> <p>14 Q. And why did she call you?</p> <p>15 A. Because I communicated with her about Fred's daughter 16 being hired. I wanted her to take a look at the 17 application and give her an opportunity if possible to 18 be employed in the HR Department.</p> <p>19 Q. So do I understand you that there are two instances 20 where you testified that you used your influence with 21 respect to Fred's daughter or attempted to use your 22 influence with respect to Fred's daughter?</p> <p>23 A. That is correct.</p> <p>24 Q. In getting her hired and then avoiding her termination 25 with respect to falsified application; is that your</p>	Page 84
<p>1 with the HR director prior to Makini Jackson becoming 2 the HR director.</p> <p>3 Q. That is to say, the HR director in the city of Flint. 4 I apologize. I didn't mean to interrupt you; I just 5 want to make sure we know what we're talking about. 6 You had a good relationship with the HR director for 7 the city of Flint prior to Makini?</p> <p>8 A. That is correct.</p> <p>9 Q. And how did you wield that influence with that prior 10 HR director?</p> <p>11 A. Well, what happened, at the time in which Fred's 12 daughter was hired at the city of Flint, he falsified 13 some information on her application relative to her 14 criminal background.</p> <p>15 So when I received a call that the 16 background check had came back and showed that she had 17 a -- a minor, I think it was conviction for theft, I 18 asked him to reconsider and not to terminate her, take 19 her age at the time into consideration and give her an 20 opportunity to show or demonstrate that she can be a 21 valuable employee for the city of Flint.</p> <p>22 So having that conversation, they did 23 not terminate her employment. She was allowed to 24 continue as an employee of the city of Flint.</p> <p>25 Q. I apologize. I believe your testimony earlier was</p>	Page 83	<p>1 testimony?</p> <p>2 A. That is correct.</p> <p>3 Q. When did you have the occasion to use your influence 4 to enable her to get hired at the city of Flint?</p> <p>5 A. At the outset by which she put in her application for 6 the position.</p> <p>7 Q. And when was that?</p> <p>8 A. That had to've been sometime in 2018 or early part of 9 2019. I'm not for sure 100 percent.</p> <p>10 Q. And how did you use your influence to get her hired 11 into the position?</p> <p>12 A. Again, I shall repeat. I said earlier, I contacted -- 13 my contact was inside of the HR Department, and that 14 was Tia Lewis.</p> <p>15 Q. And then you did what?</p> <p>16 A. To take a look at her application, told her who she 17 was, who she was related to here at the Road 18 Commission, and that he, Mr. Peivandi, had asked me to 19 help his daughter get the job at the city of Flint, 20 and that's what I did.</p> <p>21 Q. You used the phrase "use your influence." Would you 22 describe what you did as being an access of providing 23 a reference for her?</p> <p>24 MS. GAFKAY: Object to the form.</p> <p>25 Q. (BY MR. CASCINI) You can answer the question.</p>	Page 85

<p>1 MS. GAFKAY: Go ahead, you can answer.</p> <p>2 THE WITNESS: It was not as much of</p> <p>3 even a reference. No, I didn't write any full</p> <p>4 reference letter for her at that time.</p> <p>5 Q. (BY MR. CASCINI) Okay.</p> <p>6 A. I just used my relationship that I had with</p> <p>7 individuals at the city of Flint; I would tell them</p> <p>8 that I would like them to take a look at it, and if</p> <p>9 they were impressed with what they seen, I would like</p> <p>10 for her to have an opportunity for her to work within</p> <p>11 the HR Department at the city of Flint.</p> <p>12 Q. Okay. Did you intend for that phone call to function</p> <p>13 as anything other than a reference or an indication</p> <p>14 that they should look at her application?</p> <p>15 A. No.</p> <p>16 Q. Have you ever made -- or I'm just going to use the</p> <p>17 term used your influence to get anyone else hired with</p> <p>18 the city of Flint?</p> <p>19 A. I may have.</p> <p>20 Q. Okay.</p> <p>21 A. I may have.</p> <p>22 Q. Do you remember any of those instances where you used</p> <p>23 your influence to get somebody hired at the city of</p> <p>24 Flint?</p> <p>25 A. Not at this time.</p>	<p>Page 86</p> <p>1 A. I'm just orienting it in time.</p> <p>2 Q. Okay, got it. Just orienting it as to time and place.</p> <p>3 Did Fred approach you and ask you to</p> <p>4 use your influence in both instances or only in the</p> <p>5 latter instance?</p> <p>6 A. In both instances.</p> <p>7 Q. And you agreed to do so?</p> <p>8 A. Yes.</p> <p>9 Q. Now, you mentioned that you wrote a letter -- or</p> <p>10 ghost-wrote a letter for her; right?</p> <p>11 A. That is correct.</p> <p>12 Q. I'm sorry. You mentioned that you ghost-wrote a</p> <p>13 letter for her?</p> <p>14 A. I would rather say I crafted a letter for her.</p> <p>15 Q. Sure, fair enough. I like to say craft or</p> <p>16 ghost-wrote, too, when I write things for clients. I</p> <p>17 get it, I understand.</p> <p>18 With respect to that letter, your name</p> <p>19 did not appear at all on the letter?</p> <p>20 A. No.</p> <p>21 Q. Your authorship was not tied in with that letter?</p> <p>22 A. No.</p> <p>23 Q. But did you follow up with anybody in an attempt to</p> <p>24 use your influence? Let me back up. I'm having</p> <p>25 trouble understanding how ghost-writing a letter or</p>
<p>1 Q. All right. Did you do anything else other than asking</p> <p>2 them to -- we're referring to the instance where she's</p> <p>3 first hired, where you use your influence to get her</p> <p>4 hired. Did you do anything else other than asking her</p> <p>5 to take a look at her application and to consider</p> <p>6 hiring her if she met the qualifications?</p> <p>7 A. I didn't do anything else.</p> <p>8 Q. So approximately how long is it before you attempt to</p> <p>9 use your influence again with the city of Flint to</p> <p>10 prevent her termination? What's the period of time</p> <p>11 between those two events?</p> <p>12 A. Her hire date may have been somewhere in 2018 or</p> <p>13 shortly thereafter. So I would have used my -- I</p> <p>14 would have reached out to them somewhere on or right</p> <p>15 after she was actually terminated.</p> <p>16 Q. Okay. And I'm sorry, I'm not trying to belabor the</p> <p>17 point, but you don't remember exactly when that was;</p> <p>18 you think that it may've been 2019?</p> <p>19 A. I know that it was probably the end of 2019 when Mayor</p> <p>20 Weaver had lost her bid for reelection. She would</p> <p>21 have been terminated before Mayor Weaver exited her</p> <p>22 duties as the mayor.</p> <p>23 Q. When you say that she was terminated before that,</p> <p>24 that's just how you're orienting it in time or was it</p> <p>25 connected somehow with the end of the term as mayor?</p>	<p>Page 87</p> <p>1 Q. All right. Did you do anything else other than asking</p> <p>2 them to -- we're referring to the instance where she's</p> <p>3 first hired, where you use your influence to get her</p> <p>4 hired. Did you do anything else other than asking her</p> <p>5 to take a look at her application and to consider</p> <p>6 hiring her if she met the qualifications?</p> <p>7 A. I didn't do anything else.</p> <p>8 Q. So approximately how long is it before you attempt to</p> <p>9 use your influence again with the city of Flint to</p> <p>10 prevent her termination? What's the period of time</p> <p>11 between those two events?</p> <p>12 A. Her hire date may have been somewhere in 2018 or</p> <p>13 shortly thereafter. So I would have used my -- I</p> <p>14 would have reached out to them somewhere on or right</p> <p>15 after she was actually terminated.</p> <p>16 Q. Okay. And I'm sorry, I'm not trying to belabor the</p> <p>17 point, but you don't remember exactly when that was;</p> <p>18 you think that it may've been 2019?</p> <p>19 A. I know that it was probably the end of 2019 when Mayor</p> <p>20 Weaver had lost her bid for reelection. She would</p> <p>21 have been terminated before Mayor Weaver exited her</p> <p>22 duties as the mayor.</p> <p>23 Q. When you say that she was terminated before that,</p> <p>24 that's just how you're orienting it in time or was it</p> <p>25 connected somehow with the end of the term as mayor?</p> <p>1 A. I'm sorry, on someone else's behalf</p> <p>2 is using your influence.</p> <p>3 MS. GAFKAY: Object to form; lack of</p> <p>4 foundation.</p> <p>5 Q. (BY MR. CASCINI) After you crafted the letter for her</p> <p>6 and she submitted it, did you have additional contact</p> <p>7 with the city of Flint regarding this issue?</p> <p>8 A. For the purpose of this clarification --</p> <p>9 Q. Sure.</p> <p>10 A. -- I was instructed by Fred Peivandi --</p> <p>11 Q. Sure.</p> <p>12 A. -- to craft a letter on behalf of his daughter --</p> <p>13 Q. Got it.</p> <p>14 A. -- to Tyrene Walker. That came as a result of Fred</p> <p>15 expressing his concerns and anger about his daughter</p> <p>16 being fired.</p> <p>17 Q. Understandable.</p> <p>18 A. He felt that Makini Jackson fired his daughter as a</p> <p>19 means of retaliating against him. So he wanted me to</p> <p>20 not only just craft a letter for his daughter, he</p> <p>21 wanted me to talk to members of city council on his</p> <p>22 daughter's behalf.</p> <p>23 Q. Got it. So you did craft a letter. Did you talk to</p> <p>24 members of the city council on his daughter's behalf?</p> <p>25 A. I believe I had a conversation with Commissioner Eric</p>

<p>1 Maynes, who was familiar with Fred Peivandi's daughter  2 and who was familiar with the situation; and I believe  3 he shared with me that they had already began to look  4 into that.</p> <p>5 I also believe that Mr. Peivandi shared  6 with me that he was in communication with the chief of  7 police, who would've been under the leadership of  8 Mayor Karen Weaver; at the time, he was one of her  9 appointees.</p> <p>10 Q. City of Flint Police?</p> <p>11 A. That is correct.</p> <p>12 Q. Now, you said that he was in communication, but I just  13 want to know about the people that you talked to  14 specifically.</p> <p>15 A. The only person that I remember talking to was Eric  16 Maynes.</p> <p>17 Q. Eric Maynes. And Eric Maynes is a city commissioner?</p> <p>18 A. City councilman.</p> <p>19 Q. City councilman, okay.</p> <p>20 A. That is correct.</p> <p>21 Q. And you'll need to educate me. The city of Flint, the  22 city council, what role do they perform within the  23 city of Flint?</p> <p>24 A. The city of Flint city council oversees the city of  25 Flint.</p>	<p>Page 90</p> <p>1 that he believed Cloyce Dickerson was also responsible  2 for his daughter not being rehired; is that right?</p> <p>3 A. That is correct.</p> <p>4 Q. How did he come to explain that?</p> <p>5 A. He just told me he felt that Cloyce Dickerson, in --  6 he was quite angry that Cloyce Dickerson played a role  7 in it.</p> <p>8 Q. Did he explain how he believed Cloyce Dickerson had  9 played a role in that?</p> <p>10 A. He did not. He also thought that I really put his  11 daughter under the bus, that I didn't really make an  12 effort to help his daughter.</p> <p>13 Q. I see. So your testimony is that he, after he came to  14 you to ask you for assistance in getting his daughter  15 rehired; and after that was unsuccessful, he came to  16 you later to express his disappointment that you had  17 not been able to do that?</p> <p>18 A. Absolutely.</p> <p>19 Q. Okay. And at that time, he also mentioned that he  20 also shared a similar disappointment with Cloyce  21 Dickerson. Am I understanding that correctly?</p> <p>22 A. That is correct.</p> <p>23 Q. Now, during this period of time, you mentioned that  24 his conversation with you constituted work-related  25 domestic violence --</p>
<p>1 Q. Okay, understandable. Got it. Now, after you had the  2 communication with Eric Maynes, was there anything  3 else that you did?</p> <p>4 A. Not that I can recall.</p> <p>5 Q. And you mentioned that Fred's daughter was  6 subsequently, in fact, terminated; right?</p> <p>7 MS. GAFKAY: Object to form; lack of  8 foundation.</p> <p>9 Q. (BY MR. CASCINI) Was Fred's daughter later  10 terminated?</p> <p>11 A. She was not later terminated. She was terminated  12 prior to me writing or crafting the letter on her  13 behalf.</p> <p>14 Q. So I should rephrase, then. Were your efforts to use  15 your influence to allow her to become rehired  16 successful?</p> <p>17 A. No.</p> <p>18 Q. Okay. So she was not rehired?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Got it, okay. Have you ever crafted a letter or  21 communicated with a Flint city council person in an  22 effort to get any other employees of the city of Flint  23 rehired?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. And then you also mentioned that Fred expressed to you</p>	<p>Page 91</p> <p>1 A. Fred had a pattern --</p> <p>2 MS. GAFKAY: Hold on.</p> <p>3 Q. (BY MR. CASCINI) -- is that correct?</p> <p>4 MS. GAFKAY: He hadn't finished the  5 question.</p> <p>6 THE WITNESS: I'm sorry:</p> <p>7 MS. GAFKAY: I apologize. I just want  8 to make sure the record is clear.</p> <p>9 MR. CASCINI: No, I understand.</p> <p>10 Q. (BY MR. CASCINI) Is that correct?</p> <p>11 A. Repeat the question.</p> <p>12 Q. My understanding is that your testimony was that when  13 he came to you to voice that disappointment that it  14 constituted work-related domestic violence; is that  15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did Mr. Peivandi strike you physically?</p> <p>18 A. No.</p> <p>19 Q. Did he threaten you physically?</p> <p>20 A. Fred Peivandi often threatened me when I didn't --  21 when he didn't get the results of what he thought I  22 should do for him; and that threat has been since he  23 was the managing director, he could terminate  24 employment, he could outsource from the HR department,  25 he could outsource my position.</p>

<p>1 So even prior to that, when I went to      2 him pretty much pleading to get a HR administrative      3 assistant, he would say things to me, "Why should I      4 hire a HR assistant for you when I can hire someone      5 without a disability. Why would I hire a person and a      6 half to accommodate you." And he would say things,      7 like, you know, "In the private sector, you know, they      8 would never do anything like that."</p> <p>9 So his verbal abuse of me made me feel      10 like, when I don't deliver what he thinks I should      11 deliver, whether it's ethical or unethical or whether      12 I just simply couldn't do it, then I was subjected to      13 verbal abuse; and in my opinion, that, to me, made me      14 feel like I was a -- caught up in a work-related      15 domestic violence situation; and I feel that way to      16 today.</p> <p>17 You know, if I'm not able to produce or      18 deliver what he thinks I should produce or deliver,      19 that I am subjected to verbal results, like, you don't      20 know what you're doing, shut up and do what I tell you      21 to do; and I'm subjected to humiliation in the      22 presence of my colleagues in meetings.</p> <p>23 My work was always scrutinized. I      24 could never perform to his satisfaction. So by all      25 means, yes, I feel that I'm strongly a victim of work-</p>	<p>Page 94</p>	<p>1 And normally during the spring and the      2 summer months, I prided myself in being able to drive      3 myself to work, because that's the time of the year      4 that I can see clear and it doesn't get dark early. I      5 don't do that anymore. My husband brings me to work      6 because I fear that there's a great possibility that      7 Fred Peivandi could do great bodily harm. That fear      8 that I hold is so great that I discussed it with my      9 doctor, my psychiatrist and my spiritual counselor      10 about my fears of what he could do to me.</p> <p>11 And when I'm in his presence, my level      12 of anxiety and stress gets great -- it increased      13 greatly; and I have shared with our attorney at the      14 time, Attorney Tom Derderian, that I never, to this      15 day, never want to be left in a room with Fred by      16 myself. I refuse to meet with Fred on a one-on-one by      17 myself. I refuse to be in this building with Fred by      18 myself, and those are feelings that I had then, those      19 are the feelings that I have now.</p> <p>20 So at this point, he has not physically      21 put his hands on me, but he has given me the fear of a      22 possibility that he can --</p> <p>23 Q. Okay.</p> <p>24 A. -- and I don't doubt that.</p> <p>25 Q. So the question again is, so he's never threatened you</p>	<p>Page 96</p>
<p>1 related domestic violence at the hands of Fred      2 Peivandi that has been approved and embraced by this      3 Board.</p> <p>4 Q. Okay.</p> <p>5 A. And when I say "this Board," I'm speaking of that      6 because I'm inside of this building, I'm really      7 referencing to the GCRC Board.</p> <p>8 Q. There's a lot for us to unpack, and we're going to go      9 down many different avenues of examination.</p> <p>10 MR. CASCINI: Will the court reporter      11 read back my question, please?</p> <p>12 (Following question read back:      13 "Q. Did he threaten you physically?")</p> <p>14 Q. (BY MR. CASCINI) Did he threaten you physically,      15 Donna?</p> <p>16 A. No; but I can say this -- since you're calling me      17 Donna, I can call you Andrew?</p> <p>18 Q. You may.</p> <p>19 A. Okay. Fred said he hated me, and from that, Andrew,      20 it drew great fear that Fred could be capable of      21 inflicting great bodily harm to me; and so that fear      22 was so severe that I shared what he said to members of      23 the GCRC Board and to the attorney, which was a labor      24 attorney at the time, Attorney Tom Derderian, because      25 I did fear my safety.</p>	<p>Page 95</p>	<p>1 physically; but I understand that you are telling me,      2 despite the fact there has never been a threat of      3 physical violence, you do have fear of physical      4 violence. Am I understanding your --</p> <p>5 A. I think -- I'm sorry.</p> <p>6 Q. -- testimony correctly?</p> <p>7 A. I think at the point in which he made it known that he      8 hates me, I feel that that rises to the level of a      9 physical threat --</p> <p>10 Q. Okay.</p> <p>11 A. -- and the possibility of such.</p> <p>12 Q. So I understand your testimony is that the combination      13 of the comment that he had hated you, which we will      14 talk about, and I will have some questions to ask you      15 about that, combined with his disappointment regarding      16 his daughter's failure to be rehired by the city of      17 Flint, those are the two factors that led you to have      18 physical fear of him?</p> <p>19 A. No.</p> <p>20 Q. Help me understand. So what are the factors that led      21 you to generate a physical fear of him?</p> <p>22 A. The treatment, the differential treatment, the      23 degrading, the demoralizing of me, the ridicule of me,      24 bringing the question of my integrity, saying that I'm      25 biased, questioning everything I do, monitoring my</p>	<p>Page 97</p>

<p>1 time, ridiculing my performance.</p> <p>2 Those are the things that I feel that,</p> <p>3 for a man who say he hates a person, in conjunction</p> <p>4 with all these other negative things he has, a feeling</p> <p>5 he has about me, certainly makes me feel, at any given</p> <p>6 point, that I could be subjected to physical harm at</p> <p>7 the hands of Fred Peivandi.</p> <p>8 In addition to that, he questions my</p> <p>9 religion. He tells me that -- if I say something to</p> <p>10 him that my trust is in God, I feel I'm going to get</p> <p>11 through all of this, he says, "Well, hell, I don't get</p> <p>12 into all that God stuff." He's into the Muslim faith,</p> <p>13 so my faith is irrelevant.</p> <p>14 And when he points his finger at me, I</p> <p>15 don't know if that's proof, but that finger that's</p> <p>16 pointed at me, Andrew, is going to end up with a slap</p> <p>17 or turn into a fist, I really don't know. Because</p> <p>18 when a man looks at me and -- Fred Peivandi says, "You</p> <p>19 shut up and you do what I tell you to do," that finger</p> <p>20 means something; and to me it is an act of a physical</p> <p>21 threat. I look at his finger pointed at me in the</p> <p>22 same manner that I look as though he was pointing a</p> <p>23 gun at me. That's how I see it, and that's how I feel</p> <p>24 today.</p> <p>25 Q. At any time have any other employees come to you and</p>	Page 98	<p>1 to Anthony Branch and I as not knowing what we were</p> <p>2 doing and calling us biased, and it got so heated that</p> <p>3 they -- Fred Peivandi stood up and Anthony Branch</p> <p>4 stood up, and had it not been, I believe, for Randy</p> <p>5 trying to get them to cool off, I actually could see</p> <p>6 that turning into a physical fight. When I looked at</p> <p>7 their eyes, I got out of the way.</p> <p>8 Q. Did Anthony later express that he was in fear of his</p> <p>9 physical safety during that altercation?</p> <p>10 A. Well, Fred probably told him, "I'm not afraid of you."</p> <p>11 So it got to that point, and so Anthony felt that that</p> <p>12 situation could have turned into a fight, from what I</p> <p>13 witnessed that day; and I believe Randy felt it</p> <p>14 could've turned into a fight because he stood up to</p> <p>15 try to intervene. Being the female in the room with</p> <p>16 the three men, I stepped back.</p> <p>17 And also I want to share this with you,</p> <p>18 if I can continue my response to your question --</p> <p>19 we're still on the same question; am I correct?</p> <p>20 Q. We are.</p> <p>21 A. So I do recall right here in this room, that Fred,</p> <p>22 when he told me to shut up and do what he told me to</p> <p>23 do, when he -- at the end of the meeting, he stood</p> <p>24 right there. I was afraid that he was going to hit</p> <p>25 me, and I positioned myself to protect myself as</p>	Page 100
<p>1 expressed fears about physical safety from Fred</p> <p>2 Peivandi?</p> <p>3 A. Sue came to me and told me how harsh Fred had gotten</p> <p>4 with her one time.</p> <p>5 Q. Did she express fear about her physical safety during</p> <p>6 the conversation with you? You said Sue?</p> <p>7 A. Yes. Sue Charnesky; I believe that's how you</p> <p>8 pronounce her last name maybe.</p> <p>9 Q. Who is Sue?</p> <p>10 A. Sue works in the engineering department.</p> <p>11 Q. And she came to you, and she said that she feared for</p> <p>12 her --</p> <p>13 A. The way -- I'm sorry.</p> <p>14 Q. -- safety?</p> <p>15 A. The way Fred was talking to her, the tone that he was</p> <p>16 using made her extremely uncomfortable.</p> <p>17 Q. Did she say that her level of discomfort raised to the</p> <p>18 level of fear for her physical safety?</p> <p>19 A. No.</p> <p>20 Q. Have there been any other employees who have ever</p> <p>21 expressed fears about physical safety from Fred?</p> <p>22 A. I don't know if it was a matter of expressing a</p> <p>23 physical threat from Fred Peivandi, but Anthony Branch</p> <p>24 and Fred Peivandi and I, along with Randy Dellaposta,</p> <p>25 were in a room meeting here, and Fred began to refer</p>	Page 99	<p>1 though he would. And he gave me -- because he gave me</p> <p>2 such a look that was so frightful that it made me</p> <p>3 tremble.</p> <p>4 I shared that with members of the</p> <p>5 Board, and to this day, nothing has been done to</p> <p>6 protect my safety or my fear of being physically</p> <p>7 harmed at the hands of Fred Peivandi.</p> <p>8 And so I have noticed that, even with</p> <p>9 Cloyce Dickerson and Fred Peivandi, Fred would go to a</p> <p>10 level where you would think them two are about to get</p> <p>11 physical, too.</p> <p>12 So those are the things I have</p> <p>13 witnessed, and to this day, nothing, nothing has been</p> <p>14 done to correct that type of behavior.</p> <p>15 So being a woman, going against Fred</p> <p>16 Peivandi, every day I come to this building to come to</p> <p>17 work, I fear that possibility and contemplate in my</p> <p>18 mind, how can I protect myself from a physical attack</p> <p>19 from Fred when the Board refuses to do that.</p> <p>20 Q. To the best of your recollection, or to the basis of</p> <p>21 your knowledge, I guess I should say, has Fred ever</p> <p>22 physically assaulted anyone at the GCRC?</p> <p>23 A. I don't know.</p> <p>24 Q. Have you ever heard that he's assaulted anyone at the</p> <p>25 GCRC?</p>	Page 101

<p>1 A. No.</p> <p>2 Q. Have you ever heard that he's struck or threatened</p> <p>3 physically anyone at the GCRC?</p> <p>4 A. No.</p> <p>5 Q. Has he had any conviction in his past, to the best of</p> <p>6 your knowledge, as the keeper of HR records? Does he</p> <p>7 have a conviction in his past for any use of physical</p> <p>8 violence against anyone?</p> <p>9 A. I don't know.</p> <p>10 Q. And to go back to the moment where -- we've got a lot</p> <p>11 of things to circle to, but with respect to the</p> <p>12 altercation between Anthony Branch and Fred Peivandi,</p> <p>13 the question that I asked was, you know, did Anthony</p> <p>14 Branch fear for his physical safety. You said that</p> <p>15 Fred said to Anthony, "I'm not afraid of you." Did</p> <p>16 Anthony express fear about Fred?</p> <p>17 A. He didn't verbalize that to me. His actions made me</p> <p>18 believe that he felt that him and Fred was going to</p> <p>19 get into a fight.</p> <p>20 Q. Did you feel that he was afraid that Fred would strike</p> <p>21 him?</p> <p>22 A. Based on what I seen transpiring in this room, I</p> <p>23 believe that he could be thinking that, yes.</p> <p>24 Q. Okay. You mentioned that they both stood up and faced</p> <p>25 each other, and Fred said that he wasn't afraid of</p>	<p>Page 102</p> <p>1 Q. Sure. Have you ever seen Fred approach or -- were you</p> <p>2 ever concerned that Fred was about to be involved in</p> <p>3 any sort of physical altercation on any other</p> <p>4 instances during your time with GCRC?</p> <p>5 A. With the interaction between him and Cloyce Dickerson,</p> <p>6 and I do believe that there was a time where there was</p> <p>7 a large showing of the community here, and Fred got</p> <p>8 very irate, and at that time, I believe the Board</p> <p>9 chair intervened with one of the community residents,</p> <p>10 the Board chair got involved and made sure that didn't</p> <p>11 escalate.</p> <p>12 Q. Did he physically threaten any member of the public</p> <p>13 during the Board meeting?</p> <p>14 A. No.</p> <p>15 Q. And you said that the Board chair had intervened, the</p> <p>16 Board chair at the time, Cloyce Dickerson?</p> <p>17 A. That is correct.</p> <p>18 Q. And how did Cloyce Dickerson choose to intervene at</p> <p>19 that particular time?</p> <p>20 A. Just told Fred to chill.</p> <p>21 Q. What did Fred do in response to that?</p> <p>22 A. He got quiet.</p> <p>23 Q. You also mentioned that there were instances where you</p> <p>24 have seen Fred and Cloyce Dickerson approach a</p> <p>25 physical confrontation; is that right?</p>
<p>1 Anthony. Did Anthony do anything to threaten Fred?</p> <p>2 A. Anthony responded back to Fred, "I'm not afraid of</p> <p>3 you."</p> <p>4 Q. Okay. So he actually said that he was not afraid of</p> <p>5 Fred at that point in time?</p> <p>6 A. At that particular time, yes.</p> <p>7 Q. Did he later say that, in fact, he was afraid of Fred?</p> <p>8 A. His actions showed that he was afraid that him and</p> <p>9 Fred could get into a fight.</p> <p>10 Q. So I just want to set a little bit of the stage. It's</p> <p>11 you and Randy and Fred and Anthony Branch; is that</p> <p>12 right?</p> <p>13 A. That's correct.</p> <p>14 Q. And you're in this room?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. And when was this, approximately?</p> <p>17 A. I can't remember the exact date, and I'm trying to</p> <p>18 think of something that was going on during that time,</p> <p>19 but I can't think of the time.</p> <p>20 Q. Was it this year?</p> <p>21 A. It would've been, I'm thinking in 20 -- I'm thinking</p> <p>22 it may have been before the Covid.</p> <p>23 Q. Okay.</p> <p>24 A. It may have been before or shortly after, I'm</p> <p>25 thinking.</p>	<p>Page 103</p> <p>1 A. I seen them in a very heated verbal confrontation that</p> <p>2 I feel could've led to something physical.</p> <p>3 Q. So to date, you had fears that perhaps something could</p> <p>4 escalate into a physical confrontation; you've never</p> <p>5 seen a physical confrontation between Fred and Cloyce</p> <p>6 Dickerson?</p> <p>7 A. That's correct.</p> <p>8 Q. Have you ever seen a physical confrontation between</p> <p>9 Fred and anybody?</p> <p>10 A. No, not even between Fred and myself.</p> <p>11 Q. I want to talk about the instance that you testified</p> <p>12 to a little bit earlier. I'm going to try to go in</p> <p>13 order as best I can here, but the instance in which he</p> <p>14 said that he hated you.</p> <p>15 A. Yeah.</p> <p>16 Q. You testified that Fred said at one point in time that</p> <p>17 he hated you.</p> <p>18 A. Yeah.</p> <p>19 Q. Is that a quote, as best you know?</p> <p>20 A. That's correct.</p> <p>21 Q. And when did that -- when did he say that?</p> <p>22 A. That would've been in 2021 or '20; I'm not for sure.</p> <p>23 Q. Do you recall the context in which the comment was</p> <p>24 made?</p> <p>25 A. The comment was not made directly to me, it was made</p>

<p>1 to Linda, his secretary.</p> <p>2 Q. Were you present at the time it was made to Linda?</p> <p>3 A. No.</p> <p>4 Q. What did Linda -- who told you that he made that</p> <p>5 comment to Linda?</p> <p>6 A. Linda did; and Randy Dellaposta, when I shared it with</p> <p>7 him, he was aware of it. I think he got aware of it</p> <p>8 through his son, who also worked here.</p> <p>9 Q. Was Randy Dellaposta present at the time when Fred</p> <p>10 allegedly said to Linda that he hated you?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. Was Randy's son present at the time?</p> <p>13 A. Not to my knowledge; I don't know.</p> <p>14 Q. Do you know if anyone other than Linda and Fred were</p> <p>15 in the room at that particular time?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know anything else about the context in which</p> <p>18 you claim that he hated you?</p> <p>19 A. No.</p> <p>20 Q. Okay. What were the circumstances upon which he made</p> <p>21 that comment?</p> <p>22 A. It was around his birthday, and Linda had gotten a</p> <p>23 birthday card that she was circulating to the</p> <p>24 employees here at GCRC to sign his card, and when he</p> <p>25 seen the name Donna on it, he thought it was me, and</p>	Page 106	<p>1 that really posed a problem for her, especially when</p> <p>2 they would chose the door.</p> <p>3 Q. What exactly did Linda tell you in connection with</p> <p>4 this event?</p> <p>5 A. Well, she told me she wanted to file a complaint. I</p> <p>6 can't remember the extent of the complaint. I</p> <p>7 received the complaint. I was in the process of</p> <p>8 beginning to investigate the complaint.</p> <p>9 I believe on the next day or a couple</p> <p>10 days later, she came in, and she wanted to rescind her</p> <p>11 complaint. She said she had talked with her pastor,</p> <p>12 and she had a change of mind of filing her complaint</p> <p>13 against Fred Peivandi.</p> <p>14 Q. She said that she had a change of mind after</p> <p>15 consulting with her pastor. Did she explain any</p> <p>16 further about what --</p> <p>17 A. No.</p> <p>18 Q. -- prompted that change of mind?</p> <p>19 A. No.</p> <p>20 Q. So she wanted to withdraw the complaint at that</p> <p>21 particular period of time?</p> <p>22 A. That is correct.</p> <p>23 Q. Was that subsequent to or before you sent the e-mail</p> <p>24 to the Board of Commissioners regarding the</p> <p>25 relationship between Fred and Vicki Bechakes?</p>	Page 108
<p>1 so he took the card and he threw it in the trash; and</p> <p>2 Linda said she asked him, "Why would you throw that</p> <p>3 card in the trash can? My husband and I, we took our</p> <p>4 time to get you that card." And he said because he</p> <p>5 thought that the person who signed it was me, and he</p> <p>6 said "I hate her."</p> <p>7 Q. And I apologize, I may have already asked this, and if</p> <p>8 I did, I apologize. Linda told this to you?</p> <p>9 A. Yes, in my office.</p> <p>10 Q. Did Linda file any sort of report or claim or charge</p> <p>11 or complaint on the basis of this activity?</p> <p>12 A. She's filed a complaint initially against Fred</p> <p>13 Peivandi.</p> <p>14 Q. In connection with this event?</p> <p>15 A. I don't know if it was connected. I think it was part</p> <p>16 of it.</p> <p>17 Q. Was that subsequent to or before --</p> <p>18 A. That was after he said what he said; and she filed</p> <p>19 that complaint because she had a concern about the</p> <p>20 amount of time that Vicki Bechakes was staying in</p> <p>21 Fred's office; she was irritated about that.</p> <p>22 At that particular point in time, it</p> <p>23 became public to a point that Fred Peivandi and Vicki</p> <p>24 Bechakes were in a relationship. So she was beginning</p> <p>25 to see Vicki in Fred's office more than often, and</p>	Page 107	<p>1 A. That was -- that was before I sent the e-mail, I want</p> <p>2 to say, to the Board.</p> <p>3 Q. Got it.</p> <p>4 A. And I'm not 100 percent sure.</p> <p>5 Q. Now, Linda comes to you, filed a complaint about the</p> <p>6 amount of time that Vicki is spending in Fred's</p> <p>7 office. Did she explain why that concerned her</p> <p>8 specifically?</p> <p>9 A. She felt it was inappropriate. She was upset about</p> <p>10 the fact that they were having what she perceived to</p> <p>11 be an inappropriate relationship. She felt it was</p> <p>12 interfering with her job. She felt that Fred was</p> <p>13 giving Vicki work assignments that was typically her</p> <p>14 work assignments that she should've been given.</p> <p>15 Q. What is Vicki's position within the organization?</p> <p>16 Vicki Bechakes, I'm referring to.</p> <p>17 A. Vicki Bechakes, during the year in which Fred served</p> <p>18 as the director of engineering, she was his executive</p> <p>19 administrative assistant. When Fred became the</p> <p>20 managing director, Vicki remained the executive</p> <p>21 administrative assistant to the now current</p> <p>22 engineering director, and she has since retired.</p> <p>23 Q. Okay. And the current engineering director was --</p> <p>24 well, I should ask, before Vicki Bechakes retired, who</p> <p>25 was the engineering director subsequent to Fred?</p>	Page 109

<p>1 A. Eric Johnston.</p> <p>2 Q. Was it Eric Johnston continuously? So it was Fred and</p> <p>3 then it was Eric immediately after that?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay. And Vicki Bechakes was, at all times, assigned</p> <p>6 in the engineering department; is that right?</p> <p>7 A. I don't think throughout her career. I believe at one</p> <p>8 time she was assigned working in the finance</p> <p>9 department, I believe; and I don't know of any other</p> <p>10 department she may have worked in without looking at</p> <p>11 the records.</p> <p>12 Q. Got it. Now, with respect to Linda's complaint that</p> <p>13 she felt that Fred was giving her work assignments</p> <p>14 that should've been going to Linda -- I mean Vicki was</p> <p>15 given work assignments that were going to Linda, was</p> <p>16 Vicki Fred's direct report?</p> <p>17 A. Vicki would be Fred's -- Fred was not Vicki's direct</p> <p>18 report.</p> <p>19 Q. I'm sorry. I phrased that incorrectly. You're</p> <p>20 exactly right. I'm sorry. So was Fred Vicki's direct</p> <p>21 supervisor?</p> <p>22 A. At some point in time, yes.</p> <p>23 Q. Okay. At the time he was managing director?</p> <p>24 A. In the initial stage of him being the managing</p> <p>25 director, she was, until Eric Johnston became the</p>	<p>Page 110</p>	<p>1 complaint?</p> <p>2 A. There was no action for me to take, because I hadn't</p> <p>3 had an opportunity to begin the investigation process.</p> <p>4 Q. So we got to the place of discussing the instance</p> <p>5 where Linda filed her complaint against Fred in the</p> <p>6 context of discussing Linda telling you about the</p> <p>7 incident with the birthday card.</p> <p>8 Did Linda tell you anything else about</p> <p>9 the birthday card incident during that conversation?</p> <p>10 A. I can't recall.</p> <p>11 Q. Did Linda ever, at any other time, reiterate her story</p> <p>12 to you about the birthday card incident or about Fred</p> <p>13 saying he hated you?</p> <p>14 A. After that particular day in question?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. So there was one conversation you had with Linda about</p> <p>18 that; is that right?</p> <p>19 A. That is correct. I've had numerous conversations with</p> <p>20 Linda about her saying that she don't understand why</p> <p>21 Fred treats me the way he treats me. It wasn't in</p> <p>22 depth. It was just, "I don't know why Fred treats you</p> <p>23 the way he treats you." It was really a concern that</p> <p>24 she had at that time.</p> <p>25 Q. And with respect to Linda coming to you to tell you</p>	<p>Page 112</p>
<p>1 director of engineering.</p> <p>2 Q. And when did Linda file this complaint or file the</p> <p>3 complaint that was later rescinded? I'm not trying to</p> <p>4 trick you up there.</p> <p>5 A. I can't know the exact date without looking at the</p> <p>6 document.</p> <p>7 Q. Was that after or before Eric Johnston was hired as</p> <p>8 the director of engineering position?</p> <p>9 A. That would've been after.</p> <p>10 Q. So at the time Linda made the complaint, was Fred</p> <p>11 Vicki's direct supervisor?</p> <p>12 A. No.</p> <p>13 Q. I'm certain I already asked you this, but I promise I</p> <p>14 just don't remember. When was this, best you're able</p> <p>15 to tell, when Linda filed that complaint?</p> <p>16 A. I wasn't able to tell you when Linda filed that</p> <p>17 complaint. I can tell you if I look at the documents.</p> <p>18 Q. Understandable. Did Linda sign anything or put</p> <p>19 anything into writing regarding this incidence?</p> <p>20 A. She did. That was part of her complaint.</p> <p>21 Q. There was a written complaint --</p> <p>22 A. That is correct.</p> <p>23 Q. -- that was the source of that. Okay.</p> <p>24 What action did you take, if any,</p> <p>25 subsequent to Linda's decision to rescind that</p>	<p>Page 111</p>	<p>1 that Fred had said he hated you in the context of the</p> <p>2 birthday card situation, did she tell you anything</p> <p>3 else at that time?</p> <p>4 A. I can't recall.</p> <p>5 Q. So her purpose was just to come and relay the story to</p> <p>6 you?</p> <p>7 MS. GAFKAY: Object; lack of</p> <p>8 foundation.</p> <p>9 Q. (BY MR. CASCINI) Did she express any other purpose in</p> <p>10 the conversation other than wishing to tell you about</p> <p>11 the birthday card incident?</p> <p>12 A. I can't recall.</p> <p>13 Q. Did you discuss anything else that day for any other</p> <p>14 reason with her?</p> <p>15 A. I can't recall.</p> <p>16 Q. Okay. Did she ask you to do anything about it?</p> <p>17 A. I can't recall.</p> <p>18 Q. Did she tell you why she was bringing it forward to</p> <p>19 you?</p> <p>20 A. Yes.</p> <p>21 Q. Why was that? What did she tell you?</p> <p>22 A. She felt that what he was doing, having a relationship</p> <p>23 with Linda, was inappropriate. She did not have an</p> <p>24 appreciation, again, as I said earlier, about Fred</p> <p>25 giving Lin -- Vicki -- let me rephrase that. I don't</p>	<p>Page 113</p>

<p>1 know if --</p> <p>2 Q. I got --</p> <p>3 A. I think I said Linda. I want to strike that. I want</p> <p>4 to say she was concerned about Fred having a</p> <p>5 relationship with Vicki Bechakes.</p> <p>6 Q. Got it, okay.</p> <p>7 A. Okay. And then she was, again, as I said earlier, she</p> <p>8 was concerned about Fred giving some of her work</p> <p>9 assignments, what she felt she should be doing, to</p> <p>10 Vicki.</p> <p>11 Q. Did she tell you any particular work assignments that</p> <p>12 Fred had given to Vicki?</p> <p>13 A. No.</p> <p>14 Q. So I'm not trying to be obtuse here, but was the</p> <p>15 conversation about the birthday incident made at the</p> <p>16 same time that she came to complain about Vicki</p> <p>17 Bechakes? I apologize. I'm misunderstanding. Was</p> <p>18 that the same instance or were they two separate</p> <p>19 instances?</p> <p>20 A. I believe it was the same instance.</p> <p>21 Q. Okay, got it. Other than the subject of Linda making</p> <p>22 her complaint about the relationship between Fred and</p> <p>23 Vicki and telling you that Fred had said that he hated</p> <p>24 you, in the context of the birthday card incident, did</p> <p>25 you discuss anything else with Linda on that day?</p>	Page 114	<p>1 A. Well, if I'm not able to say that, I don't know if I</p> <p>2 can give you the whole truth about other information I</p> <p>3 have about Fred having a hatred toward me.</p> <p>4 Q. Okay. I completely understand.</p> <p>5 MR. CASCINI: Can we go off the record</p> <p>6 for a moment and maybe discuss this?</p> <p>7 MS. GAFKAY: Yeah.</p> <p>8 MR. CASCINI: Go Off the record.</p> <p>9 (Discussion off record.)</p> <p>10 Q. (BY MR. CASCINI) So, Donna, as we left, you know, we</p> <p>11 had a brief discussion about, you know, please, at no</p> <p>12 point during your testimony today, please don't</p> <p>13 include any information that was a privileged</p> <p>14 conversation between you and either Tom or me or</p> <p>15 certainly with your attorneys as well.</p> <p>16 But given that, the question that I</p> <p>17 asked you was, were there any other instances where</p> <p>18 Fred said that he hated you?</p> <p>19 A. Tom Derderian told me that Fred hated me, he wanted me</p> <p>20 fired, he felt that Fred was obsessed with me, and he</p> <p>21 said that all the time that Anthony Branch and I and</p> <p>22 Cloyce Dickerson had been trying to express our</p> <p>23 concerns about Fred Peivandi being a racist, being</p> <p>24 biased, that he, for the first time, said that, based</p> <p>25 on what Fred had said about me that was so horrific</p>	Page 116
<p>1 A. I can't recall.</p> <p>2 Q. Did Linda want information about the birthday card</p> <p>3 incident included in her written complaint about the</p> <p>4 situation with Vicki?</p> <p>5 A. No.</p> <p>6 Q. Was anyone else present during the time when Linda</p> <p>7 made this report to you, either about the birthday</p> <p>8 card incident or this situation with Vicki?</p> <p>9 A. No.</p> <p>10 Q. Are you aware of any other time that Fred said he</p> <p>11 hated you?</p> <p>12 A. Not necessary -- yes, I am. I am aware that Tom</p> <p>13 Derderian told me that Fred hated me; he wanted me to</p> <p>14 be careful.</p> <p>15 Q. Now, I will say, Tom Derderian was at one point in</p> <p>16 time the labor attorney for GCRC; correct?</p> <p>17 A. That is correct.</p> <p>18 Q. So I'm just going to ask you to -- I'm not saying that</p> <p>19 the testimony you're about to give would, but I'm</p> <p>20 obviously going to ask you, please don't provide any</p> <p>21 privileged information that was provided to you in the</p> <p>22 context of attorney advice when Tom Derderian was the</p> <p>23 labor attorney. I'm just saying that as a generic</p> <p>24 disclaimer; however, I'm sorry, continue with your</p> <p>25 testimony.</p>	Page 115	<p>1 that he couldn't even repeat it back to me, that he</p> <p>2 was beginning to believe that Fred was a racist, and</p> <p>3 he was concerned because he wanted me to be careful of</p> <p>4 Fred.</p> <p>5 Q. Okay. In the context of the communication -- so let</p> <p>6 me back all the way up.</p> <p>7 During this conversation, did Tom</p> <p>8 Derderian, former labor attorney for the Road</p> <p>9 Commission, tell you that Fred had told him that he</p> <p>10 hated you?</p> <p>11 A. Tom Derderian told me that Fred hated me. Now, how he</p> <p>12 derived at that, I can't tell you that.</p> <p>13 Q. We don't know that?</p> <p>14 A. Don't know.</p> <p>15 Q. So he's expressing his opinion about Fred's state of</p> <p>16 mind with respect to you?</p> <p>17 A. That's correct.</p> <p>18 Q. He's not relaying a message, as Linda was, that Fred</p> <p>19 said he hated you?</p> <p>20 A. He didn't say to me that Fred had hated me; he said</p> <p>21 Fred hates me.</p> <p>22 Q. Do you know any more about the context in which Tom</p> <p>23 came to learn this information?</p> <p>24 A. No.</p> <p>25 Q. Tom mentioned -- or you testified that Tom had said</p>	Page 117

<p>1 that he had attempted to warn the Board of 2 Commissioners about Fred in some capacity and that was 3 what the source of this information was?</p> <p>4 <b>A.</b> I didn't say that.</p> <p>5 Q. Okay, I apologize. I don't want to misstate your 6 testimony at any point during this deposition. 7       What I am asking, however, is, what's 8 the context of Tom having this conversation and 9 bringing this information to you?</p> <p>10 <b>A.</b> I don't know.</p> <p>11 Q. All right. During this conversation, Tom told you 12 that Fred wanted you fired, I believe you testified; 13 is that right?</p> <p>14 <b>A.</b> That is correct.</p> <p>15 Q. And do you know how Tom came to know that Fred, 16 quote-unquote, wanted you fired?</p> <p>17 <b>A.</b> He gave me the impression that that's what Fred was 18 sharing with him, that he wanted me fired. He said 19 that Fred is forever calling him about anything that 20 he felt that I may have done inappropriately or, 21 according to Fred, and wanted to know if he could fire 22 me on those issues. This was a ongoing situation up 23 until Tom recently retired; I believe it was the early 24 part of this year. So that was an ongoing thing.</p> <p>25 Q. Do you know the context of the conversations in which</p>	<p>Page 118</p>	<p>1 individual person?</p> <p>2 <b>A.</b> No.</p> <p>3 Q. Has anyone ever reported to you other instances where 4 Fred said that he hated other employees at the Road 5 Commission?</p> <p>6 <b>A.</b> No.</p> <p>7       THE WITNESS: Before you ask the next 8 question, can we take a break.</p> <p>9       MR. CASCINI: This is actually an 10 excellent time.</p> <p>11                   (Recess taken.)</p> <p>12       MR. CASCINI: Let's go back on the 13 record.</p> <p>14 Q. (BY MR. CASCINI) The next thing that I want to talk 15 with you about, Donna, is the comment that you made 16 awhile ago that your relationship with Fred Peivandi 17 was in many ways challenging. That was the term you 18 used. Now, we've heard a lot of testimony about very 19 many instances that you found challenging about 20 working with Fred.</p> <p>21       In what other ways has your 22 relationship with Fred Peivandi been challenging?</p> <p>23 <b>A.</b> Whenever Fred could not or did not understand our 24 processes and he wanted to circumvent the processes, 25 he would become very challenging because, versus doing</p>	<p>Page 120</p>
<p>1 Fred communicated that to him?</p> <p>2 <b>A.</b> No.</p> <p>3 Q. Do you know whether any of those were intended to seek 4 legal advice regarding your termination?</p> <p>5 <b>A.</b> I have no idea.</p> <p>6 Q. Do you have any reason to suspect that they may be 7 privileged?</p> <p>8 <b>A.</b> I have no idea.</p> <p>9 Q. Had you ever heard of any other instances where Fred 10 had said he hated you?</p> <p>11 <b>A.</b> I can't recall.</p> <p>12 Q. Have you ever heard of any other instances where Fred 13 reported that he hated anybody else?</p> <p>14 <b>A.</b> I can't recall.</p> <p>15 Q. Have you ever said that you hated anyone?</p> <p>16 <b>A.</b> No.</p> <p>17 Q. Ever in your life prior?</p> <p>18       MS. GAFKAY: Object to the form.</p> <p>19       That's an overly broad.</p> <p>20 Q. (BY MR. CASCINI) Have you ever at any point in time 21 told anyone that you hated anyone?</p> <p>22       MS. GAFKAY: Object to the form.</p> <p>23 Q. (BY MR. CASCINI) You can answer the question.</p> <p>24 <b>A.</b> Yes; I've told many people all the time I hate satan.</p> <p>25 Q. Fair enough. Anyone in the physical realm, any</p>	<p>Page 119</p>	<p>1 it right, he felt that because he was the managing 2 director, he could override doing what's right, even 3 though it's the law, that would become very 4 challenging; and through that challenge and Fred's 5 views of me as an African-American woman and the views 6 that he had of, I feel, other African-Americans, posed 7 a significant challenge, because every time I tried to 8 stand on the side of right as related to issues 9 concerning blacks and whites, it would become 10 challenging because I would be accused of being biased 11 if I took disciplinary action against a white person 12 -- I mean a black -- if I didn't -- if I took 13 disciplinary action against a white employee and 14 didn't take disciplinary action against a black 15 employee, then I'm perceived to be biased. 16       And so what that did for me in that 17 challenge, it has led to, one, me being discriminated 18 against as an African-American woman. It has 19 subjected me to retaliation. It's subjected me to 20 harassment, and it has subjected me to differential 21 treatment, and it has also subjected me to having my 22 speech deprived from being able to exercise my 23 personal rights. 24       Also that challenge that I have been in 25 with Fred, it has led to some serious health issues</p>	<p>Page 121</p>

<p style="text-align: right;">Page 122</p> <p>1 with me, and it has led to some serious mental and  2 emotional trauma that I currently experience.  3 And in addition to those challenges, it  4 makes me feel like I'm walking on eggs here. So that  5 challenge has served, in my opinion, and because of  6 his racial biases, I've been subjected to  7 discrimination.</p> <p>8 Q. And you brought up a couple different things in that  9 answer. You brought up concerns about race-related  10 discrimination. You brought up concerns about  11 retaliation. I heard concerns about First Amendment  12 retaliation. Those are coextensive with the concerns  13 that you raised in the lawsuit; correct?</p> <p>14 A. That is correct.</p> <p>15 Q. What I want to ask you about specifically, I'm trying  16 to learn more about the challenges, is there anything  17 that you haven't specifically pled in your lawsuit  18 that you feel to be a challenge beyond those things?</p> <p>19 MS. GAFKAY: Object to the form.</p> <p>20 THE WITNESS: My response to the  21 question you just asked me, before those things became  22 a part of a lawsuit, those challenges that I was  23 feeling and discrimination that I was feeling, the  24 retaliation that I was feeling, the harassment that I  25 felt I was being subjected to, the being treated</p>	<p>1 into your Complaint that you filed?</p> <p>2 MS. GAFKAY: Object to the form.</p> <p>3 THE WITNESS: Without me reading my  4 lawsuit --</p> <p>5 Q. (BY MR. CASCINI) Okay.</p> <p>6 A. -- I can't tell you whether it's all in there or not,  7 because I just don't remember.</p> <p>8 Q. And you have prior read your Complaint; right?</p> <p>9 A. That is correct.</p> <p>10 Q. But what you're saying is, you can't do it without  11 consulting it and having it in front of you; right?</p> <p>12 A. That is correct.</p> <p>13 Q. Okay, fair enough. We can break down, and what I want  14 to talk about next is, I want to talk about the vision  15 accommodation that you requested from the GCRC.</p> <p>16 You have pled in your Complaint that  17 you have a vision-related disability; is that right?</p> <p>18 A. That is correct.</p> <p>19 Q. Did you inform the GCRC of that at some point  20 proximate to your hire?</p> <p>21 A. When I met with John Daly -- let me -- let me go back.  22 When I was interviewed, I let it be  23 known that I had a disability.</p> <p>24 Q. So you notified them both before and after?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 123</p> <p>1 different than some of my colleagues I was subjected  2 to, those are things that were shared with the Board  3 way before they became subject to a lawsuit.</p> <p>4 The ADA accommodation battle that I had  5 with Fred about even getting a HR administrative  6 assistant, those challenges, if you will, were  7 discussed with the Board prior to any contemplating  8 filing a lawsuit.</p> <p>9 So the challenge that I had was already  10 expressed, and from those challenges and not given a  11 corrective action for it led to an EEOC complaint, led  12 to me filing FMLA.</p> <p>13 So these things are in place as it  14 relates to the challenges that I was going through,  15 what I feel to be Fred's inability to console and  16 properly manage his racial biases, not just against me  17 but other African-American employees that work for  18 GCRC, including females.</p> <p>19 Q. I apologize if my question was unartful. What I was  20 asking, though, is, regardless of when you raised  21 concerns or regardless of when you first identified  22 concerns, regardless of when you first felt concerns,  23 the concerns that you're discussing now, have those  24 been distilled down into the Complaint that you filed  25 or are there concerns that you have that never made it</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. Understandable. My understanding is -- well, were you  2 ever offered a vision-related accommodation by the  3 GCRC, one or more?</p> <p>4 A. In 2016 when I first started, the first day that I met  5 with John Daly, on my first day here, I talked with  6 John Daly about my accommodation needs. One of the  7 things we talked about was my parking needed to be  8 closer to the door. We talked about my lighting  9 needed to be adjusted. We talked about my computer  10 screen needed to be enlarged. We talked about my need  11 for an assistant; and I believe that was the gist of  12 the conversation. Now, that may not be all-inclusive,  13 but that's what comes to my memory today.</p> <p>14 Q. And as of 2016, were you granted some or all of those  15 accommodations?</p> <p>16 A. In 2016, shortly after October, John Daly had Randy  17 Dellaposta put a sign up for me to park right --  18 almost at the door.</p> <p>19 Q. Okay.</p> <p>20 A. My lights were adjusted. My computer screen was  21 adjusted; and at that time, the HR administrative  22 assistant was not legally made to me. I did not have  23 an administrative assistant immediately.  24 So at that particular point in time,  25 the conversation that I had with Daly was that,</p>

<p>1 because of the time of the year and we were in a  2 budget, we were going to put in for a part-time  3 administrative assistant at that time.</p> <p>4 Q. And this is in 2016, you said?</p> <p>5 A. That would have been the latter part of 2016. It  6 would've been the latter part of 2016 or sometime  7 early part of 2017, somewhere around there.</p> <p>8 Q. And when you first expressed the need for an  9 administrative assistant, was that done in the context  10 of operational need for your department or was that  11 done as an accommodation for your disability?</p> <p>12 A. It was both.</p> <p>13 Q. And do you remember how you first expressed the need  14 for administrative assistant?</p> <p>15 A. If I remember right, I believe John Daly and I  16 discussed that, one, I needed an administrative  17 assistant to help me with my computer work.</p> <p>18 Q. Sure.</p> <p>19 A. Because everything around here is on white paper, I  20 needed somebody to help me with the reading, and also  21 to do the research and to read and screen out my  22 e-mail.</p> <p>23 And then I also told him that I thought  24 that it would be beneficial, because that particular  25 person could also help with some of the other needs</p>	Page 126	<p>1 Q. Did you mention your need for accommodation, this  2 document is about two pages and a little bit of an  3 overhang there, did you mention your need for an  4 administrative assistant to provide visual need  5 related accommodations for you in this document?</p> <p>6 A. In this particular document, I did not mention it,  7 because at the time when John Mandelaris, who was the  8 chairperson at the time, what he wanted me to show was  9 the need of an administrative assistant as it related  10 to HR functions, not for the need of the  11 administrative assistant as it related to my  12 disability, which had already been established.</p> <p>13 Q. So there is prior documentation in which you submitted  14 a request for an administrative assistant to be made  15 because of your disability that predates this?</p> <p>16 A. I was not required to submit any at this particular  17 time, documents relative to my administrative  18 disability needs for an administrative assistant  19 because it was not asked of me.</p> <p>20 Then there was verbal conversations  21 with John Daly and I as it related to the  22 administrative assistant for my disability needs, and  23 he didn't want to put that, and I didn't, in a public  24 document because of HIPAA, and I didn't want everyone  25 at that particular time to know the extent of what I</p>	Page 128
<p>1 that we had within the HR Department, so that Cherry  2 Grant, who was the benefits coordinator, and Rachel  3 Mullen, who was the HR coordinator, that they could be  4 able to utilize some of her services, too.</p> <p>5 Q. When you say that you brought up both the  6 accommodation component of that position and the  7 departmental need component of that position, which  8 would you say was your primary concern between those  9 two in asking for an administrative assistant?</p> <p>10 A. Well, naturally, my accommodation for my disability.</p> <p>11 MR. CASCINI: I'm going to show you a  12 document, and we are going to mark it as Exhibit 5.  13 (Document marked Deposition  14 Exhibit No. 5.)</p> <p>15 Q. (BY MR. CASCINI) I'm showing you a document that  16 we've marked here as Exhibit No. 5. You'll find it at  17 Bates No. Defendants RPD Response 7, document 49 is  18 the first page of this document. It says Human  19 Resources Administrative Assistant Need Analysis.</p> <p>20 Ms. Poplar, do you recognize this  21 document?</p> <p>22 A. Yes.</p> <p>23 Q. And if you go to the third page, is that your  24 signature on this document?</p> <p>25 A. It is.</p>	Page 127	<p>1 was dealing with my physical disability. People like  2 me have a lot of pride, and we don't want to really  3 get out and publicize the nature or the extent of our  4 disability.</p> <p>5 So that particular need for my  6 disability had already been discussed and agreed to  7 between John Daly and I; and I was not requested by  8 the Board in that particular setting to provide that  9 in writing as a need analysis; but I was requested by  10 John Mandelaris and the Board to put a need assessment  11 in as it related to the HR function, and that's what  12 you have here.</p> <p>13 Q. So did John Mandelaris ask you to exclude information  14 about your need to have the disability-related  15 accommodation performed by this person, too?</p> <p>16 A. He would not have a need to ask me that because that  17 had already been confirmed with John Daly, that I had  18 the disability need for an assistant. That was  19 already settled with John Daly and I, and John  20 Mandelaris didn't intervene, nor did any member of the  21 Board at that time.</p> <p>22 Q. So John Mandelaris didn't tell you, "exclude that  23 information"; he said, "give me an assessment based on  24 the operational needs of the HR Department"?</p> <p>25 A. I don't know how he worded it, but my understanding</p>	Page 129

<p>1 was, what I was supposed to do was provide a need for 2 the assistant, because John Mandelaris, I believe, is 3 the go-to around this time. He specifically asked me 4 a question of what were some of the other things that 5 the HR administrative assistant would be doing, and 6 that's when I highlighted the things that I would have 7 that person to do as it related to HR function; and 8 from that, he said he wanted me to put a need analysis 9 in writing based on that, and that was my 10 understanding, and I did. 11 (Document marked Deposition 12 Exhibit No. 6.) 13 MR. CASCINI: The next document is 14 marked Exhibit No. 6. It is Defendants RPD Response 15 7, item number 48 in Bates number. 16 Q. (BY MR. CASCINI) Ms. Poplar, do you recognize this 17 document? 18 A. Yes. 19 Q. And, in fact, you're listed as one of the authors of 20 this document; is that right? 21 A. That's right. 22 Q. Is the need for an administrative assistant in the HR 23 Department to serve functions as to assist with your 24 visual disability. Is that listed anywhere in this 25 document?</p>	<p>Page 130 1 question that I thought I heard, are you asking me did 2 I see anything in here that's relative to my visual 3 disability? 4 MR. CASCINI: That's correct, yes. 5 MS. GAFKAY: But you need to read the 6 document in order to answer the question, unless you 7 know the document by heart. 8 THE WITNESS: I don't know it by heart, 9 but I know that that information wasn't in here. 10 MS. GAFKAY: Well, did you already read 11 it and you know that? 12 THE WITNESS: Um-hum, when I was 13 sitting here reading it. 14 MS. GAFKAY: Okay. If you had an 15 opportunity to read the document, then he can go on; 16 but if you -- I don't know that you've read the 17 document before you answered the question. Did you? 18 THE WITNESS: (No response). 19 Q. (BY MR. CASCINI) You've already testified that it 20 wouldn't be in that document, also. 21 MS. GAFKAY: I mean, you're asking her 22 about what a document says, Andrew. So I just want to 23 give her the opportunity to read it. She obviously 24 has not read it. I'm going to ask that she read the 25 document, and then you can ask the question again.</p>
<p>1 A. No. 2 Q. Okay. 3 A. And it would not be listed in this document. And at 4 some point, you may have to help me read. It would 5 not be listed in this document because the decision 6 for me to have a HR administrative assistant was 7 determined by John Daly in 2016. Am I -- 8 MS. GAFKAY: No, no, no. Based on what 9 you're saying, it sounds like you haven't even read 10 the document. 11 MR. CASCINI: Yes. I -- 12 MS. GAFKAY: Hold on, hold on. He's 13 asking you a question about a document. 14 THE WITNESS: Okay. 15 MS. GAFKAY: So it is important that 16 you read the document before you answer the question. 17 So I think because she has difficulty 18 reading, I think she was just answering it from memory 19 versus reading the document and answering your 20 question relative to what the document says. 21 MR. CASCINI: Yes. And I certainty 22 don't want you to do that, Donna. So if you could, 23 take your time, that will be fine. 24 MS. LEE: Should we read it for you? 25 THE WITNESS: Clarification. Your</p>	<p>Page 131 Page 133 1 MS. LEE: And if you need assistance, 2 it's very -- 3 MR. CASCINI: That's true. And if you 4 ever do want me to read anything, especially in the 5 record, I promise, I will do it. 6 MS. LEE: I think that we should 7 because the print is so small, particularly when she 8 has a document that's five times this size. 9 MR. CASCINI: Got it. 10 Q. (BY MR. CASCINI) So it is to the Board of Road 11 Commissioners, Genesee County, from John Daly, Donna 12 Poplar, Coetta Adams. I'm not reading every word of 13 that, but the synopsis, I will read every word of, 14 which says, "The Director of Human Resource and 15 Administrative Services is in need of a part-time 16 Administrative Assistant to perform a variety of 17 administrative and clerical tasks. Duties include but 18 not limit to providing support to the Director in 19 assisting of daily office needs and managing general 20 administrative activities in order to ensure the 21 efficiency and smooth day-to-day operation of Human 22 Resource Department. There is \$20,000 in contractual 23 services" -- there an account number provided -- "and 24 \$15,000 from Finance - Labor to cover the salary for 25 this position."</p>

<p>1 "Recommendation: That the Board  2 approve the following budget transfer:" And both  3 involve increases of those amounts previously cited.  4 Does this describe in any way your need  5 for an administrative assistant to provide a visual  6 accommodation for your disability?</p> <p>7 <b>A.</b> It does not, and it was deliberately kept out.</p> <p>8 Q. Now, was John Daly ever able to establish an  9 administrative assistant position within HR during his  10 tenure?</p> <p>11 <b>A.</b> No.</p> <p>12 Q. Do you know why?</p> <p>13 <b>A.</b> Because there was pushback from members of the Board  14 at that particular time who felt that we did not need  15 an administrative assistant in the HR Department.  16 They also felt that the staff that was in there could  17 assist me at that time.</p> <p>18 Q. Understandable. Did John Daly reiterate to them, hey,  19 in addition to the reasons that we've listed here, we  20 also have an employee that needs a visually-related  21 accommodation?</p> <p>22 <b>A.</b> He did that with individual board members, yes.</p> <p>23 Q. Did that change the Board members' opinion with regard  24 to the need for the administrative assistant position?</p> <p>25 <b>A.</b> It did.</p>	Page 134	<p>1 accommodation.</p> <p>2 Q. Was that a legal opinion issued to the Board?</p> <p>3 <b>A.</b> I would assume it was in the capacity of their Board  4 attorney, yes.</p> <p>5 Q. So I would repeat my instruction. To the extent that  6 you are aware -- you are currently the Human Resource  7 director. To the extent that you're aware of legal  8 opinions with Tom Derderian has shared with the GCRC,  9 I would ask that you exclude those communications from  10 the scope of responses to any question I have. You  11 need to preserve that privilege.</p> <p>12 So within the scope of that, let's go  13 back to the question that I asked you, you said you  14 raised the concern again in a letter to Fred; right?</p> <p>15 <b>A.</b> That is correct.</p> <p>16 MS. GAFKAY: I don't mean to interrupt,  17 but I just want a clarification. Can we go off the  18 record?</p> <p>19 MR. CASCINI: Let's go off the record,  20 please.</p> <p>21 (Discussion off record.)</p> <p>22 MR. CASCINI: Back on the record.</p> <p>23 So off the record, we've had a  24 conversation, legal counsel for Plaintiff and  25 Defendants, had a conversation about maintaining the</p>	Page 136
<p>1 Q. Okay. And in John Daly's tenure, was the  2 administrative assistant position created?</p> <p>3 <b>A.</b> No.</p> <p>4 Q. Do you know why that is?</p> <p>5 <b>A.</b> The Board chair at that particular time was Shirley  6 Kautman-Jones, and she was still pushing back on me  7 having an administrative assistant.</p> <p>8 Shortly after that, John Daly retired  9 on or around April of 2018. So it would be visited  10 after John Daly had retired.</p> <p>11 Q. And how was it revisited?</p> <p>12 <b>A.</b> It was revisited because at that particular time, I  13 kept pushing, and the question -- for the  14 administrative assistant for my visual disability. It  15 was at that time that I kept getting denied.</p> <p>16 So from there, based on Tom Derderian,  17 I was -- I sent a letter to Fred Peivandi, and in  18 response to that letter, it was -- I put it in writing  19 to Fred Peivandi, and I was instructed to come up with  20 documents that would show that I had a need for an  21 assistant and that I had a disability.</p> <p>22 Once I provided that information, Tom  23 Derderian then wrote a letter to the full Board  24 stating that, based on my medical condition, he had  25 concluded that I met the requirements for ADA</p>	Page 135	<p>1 nature of the privilege.</p> <p>2 So I'd like to repeat a general  3 instruction that I have for any question that I ask  4 today but with this question and specificity, which  5 is, excluding any documents that are privileged or  6 that may be privileged because they contain legal  7 advice, I'm going to ask you a question, so with your  8 testimony, I want your answer to exclude that stuff.</p> <p>9 So I'm asking you just about  10 nonprivileged communication, documents which you know  11 to not be privileged or communications that you know  12 to not be privileged.</p> <p>13 Q. (BY MR. CASCINI) You mentioned that you distilled  14 your request for visual accommodation into writing to  15 Fred; right?</p> <p>16 <b>A.</b> That's correct.</p> <p>17 Q. Do you know approximately when that occurred? Was it  18 after he was managing director? Perhaps you can have  19 that as a point --</p> <p>20 <b>A.</b> That is correct.</p> <p>21 Q. So it was after he was managing director.</p> <p>22 (Document marked Deposition  23 Exhibit No. 7.)</p> <p>24 MR. CASCINI: We have a document here  25 that I'm going to mark as Exhibit No. 7.</p>	Page 137

<p>1 Q. (BY MR. CASCINI) This is an e-mail that purports to      2 be sent from you, Donna, on Monday, August 27, 2018 to      3 Fred Peivandi, the subject line is HR Assistant and      4 Disability Concerns.      5 It begins, and I will not read the      6 entire document, August 27, 2018. Good morning Fred:      7 I made many attempts to get approved for HR Assistance      8 for many relevant HR operations and to aid in my      9 visual disability accommodations. During my initial      10 interview and at the point of hire, I disclosed the      11 nature of my disability.      12 Based on your recollection, is this the      13 document that your prior testimony was referring to?      14 A. I need you to give me more background on what you're      15 talking about.      16 Q. You testified that you eventually distilled your      17 request in writing to Fred in the form of a letter,      18 you said. I'm asking you if this is that document      19 that you were testifying about?      20 A. To my knowledge, yes.      21 Q. Okay. When you presented this to Fred, what was      22 Fred's response? Did Fred ask to meet with you about      23 this letter?      24 A. I can't recall if he asked to meet with me about this      25 letter. I do recall that I went to Fred's office on</p>	<p>Page 138      1 Q. And he -- I want to make sure I understand his      2 comment. He's asking why should you hire an HR admin      3 assistant to accommodate your disability?      4 A. He asked me why should he, because I don't need to      5 hire an HR administrative assistant to accommodate me      6 with my disability when he could hire someone who did      7 not have a disability.      8 Q. When he could hire a HR director --      9 A. HR --      10 Q. -- who didn't have a disability?      11 A. That is correct.      12 Q. Approximately when did this conversation occur?      13 A. I can't remember.      14 Q. You mentioned it was only you and Fred who were in      15 attendance at this meeting?      16 A. That is correct.      17 Q. Was there another instance that you can recall where      18 you had a meeting with Fred Peivandi and Anthony      19 Branch to discuss the need for a HR administrative      20 assistant?      21 A. I don't know if there was an actual meeting, but I do      22 remember having a conversation, and I don't know if it      23 was predicated about me, because the reason I say      24 that, there's numerous times that I've had      25 conversations with Fred about my need for an</p>
<p>1 or around this time, I believe it was, and I could be      2 a little off on that, but I do recall having      3 conversations with Fred again about my need for visual      4 aid, visual assistance.      5 I do recall Fred saying to me that --      6 and I don't know if it's this particular time, but he      7 talked about why should I hire a HR administrative      8 assistant to assist you with my disability when we can      9 hire someone who didn't have it.      10 Now, I want to make it very clear, that      11 conversation could've took place on or around this      12 time or after.      13 Q. That's fine.      14 A. But that's what I remember.      15 Q. But that was a prior conversation you had with Fred      16 Peivandi. Where it happened in relation to this      17 letter, we don't know --      18 A. That's correct.      19 Q. -- but you had that conversation with Fred Peivandi?      20 A. That is correct.      21 Q. Now, with respect to that conversation, who was      22 present during that conversation?      23 A. With Fred and I?      24 Q. (Nodding head affirmatively).      25 A. It was just Fred and I.</p>	<p>Page 139      1 administrative assistant.      2 Q. Okay.      3 A. Numerous times. So I can't pinpoint the individual      4 time.      5 Q. Okay. Do you remember that there was at least one      6 conversation where you were present with Anthony      7 Branch and Fred Peivandi to discuss the need for an HR      8 administrative assistant?      9 A. I can't recall.      10 Q. Was there eventually a HR administrative assistant      11 approved by the Board?      12 A. About somewhere -- somewhere in 2019.      13 Q. Do you remember approximately when in 2019?      14 A. I believe it might have been around, let's say, March      15 of 2019 -- well, let's just say I believe that's when      16 the HR -- part-time HR administrative assistant was      17 hired, around March of 2019.      18 (Document marked Deposition      19 Exhibit No. 8.)      20 MR. CASCINI: We've marked this exhibit      21 as No. 8. It is marked with Bates numbers Defendants      22 RPD Response 7, 54, 55 and 56.      23 Q. (BY MR. CASCINI) The first page of this document,      24 Donna, is a -- it looks like a memorandum. It says      25 Fiscal Year 2018-2019 Budget Transfer.</p>

<p>1 Are you familiar with this document? <span style="float: right;">Page 142</span></p> <p>2 <b>A.</b> The document looks familiar. The context I would need <span style="float: right;">1</span></p> <p>3 you to read it. <span style="float: right;">2</span></p> <p>4 Q. Sure. It starts with, "The Human Resources Director <span style="float: right;">3</span></p> <p>5 is in need of Part-Time Administrative Assistance for <span style="float: right;">4</span></p> <p>6 20 hours a week at an hourly rate of \$25.00 per hour, <span style="float: right;">5</span></p> <p>7 to perform a variety of administrative and <span style="float: right;">6</span></p> <p>8 confidential clerical tasks."</p> <p>9 At this point in time, December 4th, <span style="float: right;">7</span></p> <p>10 2018, at the time this was made, had the Board <span style="float: right;">8</span></p> <p>11 approved for the creation of this position yet? <span style="float: right;">9</span></p> <p>12 <b>A.</b> I can't recall. <span style="float: right;">10</span></p> <p>13 Q. And then I'm going to move on to the second page, and <span style="float: right;">11</span></p> <p>14 I'm not trying to mislead you. These three documents, <span style="float: right;">12</span></p> <p>15 I don't believe they're related to each other, as they <span style="float: right;">13</span></p> <p>16 were part of a packet, but they are all related to the <span style="float: right;">14</span></p> <p>17 same subject. <span style="float: right;">15</span></p> <p>18 The next page, Bates No. 55 -- <span style="float: right;">16</span></p> <p>19 <b>A.</b> Am I looking at the same document? <span style="float: right;">17</span></p> <p>20 Q. I believe so, yes. <span style="float: right;">18</span></p> <p>21 MS. GAFKAY: Page two, yes. <span style="float: right;">19</span></p> <p>22 THE WITNESS: Okay. <span style="float: right;">20</span></p> <p>23 Q. (BY MR. CASCINI) It says Genesee County Road <span style="float: right;">21</span></p> <p>24 Commission Request for Budget Transfer to transfer <span style="float: right;">22</span></p> <p>25 funds for hiring -- cover hiring of part-time <span style="float: right;">23</span></p>	<p>1 posting of the part time position. Safe to assume <span style="float: right;">1</span></p> <p>2 that prior to this that the Board and Fred had both <span style="float: right;">2</span></p> <p>3 approved the creation of this position? <span style="float: right;">3</span></p> <p>4 <b>A.</b> Yes. <span style="float: right;">4</span></p> <p>5 Q. Then it says on the top, he doesn't contradict you, he <span style="float: right;">5</span></p> <p>6 doesn't say no, don't make that position, he says, <span style="float: right;">6</span></p> <p>7 "I'm thinking \$15 to \$18 per hour depending on <span style="float: right;">7</span></p> <p>8 experience." <span style="float: right;">8</span></p> <p>9 So this document, you asked him to <span style="float: right;">9</span></p> <p>10 provide the salary amount you want this position to be <span style="float: right;">10</span></p> <p>11 paid, and then he responds to you; right? <span style="float: right;">11</span></p> <p>12 <b>A.</b> That's correct. <span style="float: right;">12</span></p> <p>13 Q. So ultimately a position was created. Was it created <span style="float: right;">13</span></p> <p>14 on a part-time basis? <span style="float: right;">14</span></p> <p>15 <b>A.</b> In the initial stage, yes. <span style="float: right;">15</span></p> <p>16 Q. My understanding is that later it increased to a full- <span style="float: right;">16</span></p> <p>17 time position; is that right? <span style="float: right;">17</span></p> <p>18 <b>A.</b> That is correct. <span style="float: right;">18</span></p> <p>19 Q. What were the circumstances that led you to request <span style="float: right;">19</span></p> <p>20 that position to be modified into a full-time <span style="float: right;">20</span></p> <p>21 position? <span style="float: right;">21</span></p> <p>22 <b>A.</b> One, we don't really have what you call part-time <span style="float: right;">22</span></p> <p>23 employees here. Number two, the scope and the <span style="float: right;">23</span></p> <p>24 magnitude of the work that needed to be done, you <span style="float: right;">24</span></p> <p>25 would have to be a full-time person to do that. <span style="float: right;">25</span></p>
<p>1 Administrative Assistant in Human Resources <span style="float: right;">Page 143</span></p> <p>2 Department.</p> <p>3 I see that it says approved by Fred <span style="float: right;">1</span></p> <p>4 Peivandi on November 28, 2018; is that right? <span style="float: right;">2</span></p> <p>5 <b>A.</b> That's what the date says, yes. <span style="float: right;">3</span></p> <p>6 Q. And it says here requested by Donna Poplar on 11/19/18; <span style="float: right;">4</span></p> <p>7 is that right? <span style="float: right;">5</span></p> <p>8 <b>A.</b> That's right. <span style="float: right;">6</span></p> <p>9 Q. And if you move on to the third page, this is a series <span style="float: right;">7</span></p> <p>10 of two e-mails. This is Bates No. 56. The top one is <span style="float: right;">8</span></p> <p>11 from Fred Peivandi to Donna Poplar on December 6, <span style="float: right;">9</span></p> <p>12 2018. The bottom one is from you to Fred on December <span style="float: right;">10</span></p> <p>13 6, 2018.</p> <p>14 I'm looking at the bottom document <span style="float: right;">11</span></p> <p>15 first. It says, "Good morning Fred. Just a follow-up <span style="float: right;">12</span></p> <p>16 to our conversation on yesterday, you instructed me to <span style="float: right;">13</span></p> <p>17 move forward with the posting of a part-time position <span style="float: right;">14</span></p> <p>18 for a HR clerk. This posting will go out for this <span style="float: right;">15</span></p> <p>19 Sunday and will be posted for 2-Weeks. You also said <span style="float: right;">16</span></p> <p>20 you did not want to pay this person \$26 an hour for <span style="float: right;">17</span></p> <p>21 1040 hours a equivalent of \$25 an hour. Please <span style="float: right;">18</span></p> <p>22 provide me the salary amount you want this position to <span style="float: right;">19</span></p> <p>23 be paid."</p> <p>24 At that point in time, the first line <span style="float: right;">20</span></p> <p>25 says you instructed me to move forward with the <span style="float: right;">21</span></p>	<p>1 Q. Okay. When you say we don't really have part-time <span style="float: right;">1</span></p> <p>2 employees here, that was how the position was <span style="float: right;">2</span></p> <p>3 initially created; right? <span style="float: right;">3</span></p> <p>4 <b>A.</b> That's correct. <span style="float: right;">4</span></p> <p>5 Q. But you're saying it was an exceptional, and it's <span style="float: right;">5</span></p> <p>6 characteristic of being part time, then? <span style="float: right;">6</span></p> <p>7 <b>A.</b> That is correct. <span style="float: right;">7</span></p> <p>8 Q. Did you request that it convert into a full-time <span style="float: right;">8</span></p> <p>9 position? <span style="float: right;">9</span></p> <p>10 <b>A.</b> I did. <span style="float: right;">10</span></p> <p>11 Q. And at the point in time where it was a part-time <span style="float: right;">11</span></p> <p>12 position, was the administrative assistant performing <span style="float: right;">12</span></p> <p>13 assistance for your visual disability as an <span style="float: right;">13</span></p> <p>14 accommodation for your disability? <span style="float: right;">14</span></p> <p>15 <b>A.</b> That is correct. <span style="float: right;">15</span></p> <p>16 Q. And then you requested it to be full time. Do you <span style="float: right;">16</span></p> <p>17 remember approximately when that was? <span style="float: right;">17</span></p> <p>18 <b>A.</b> I do not. <span style="float: right;">18</span></p> <p>19 Q. Was it eventually transitioned into a full-time <span style="float: right;">19</span></p> <p>20 position? <span style="float: right;">20</span></p> <p>21 <b>A.</b> That is correct. <span style="float: right;">21</span></p> <p>22 Q. When, approximately, was it transitioned into a <span style="float: right;">22</span></p> <p>23 full-time position? <span style="float: right;">23</span></p> <p>24 <b>A.</b> It would've been that same year, probably, maybe five <span style="float: right;">24</span></p> <p>25 to seven months later. <span style="float: right;">25</span></p>

<p>1 Q. Okay, got it. Now, I understand that there was  2 initially tension related to the transition from a  3 part-time position to a full-time position; is that  4 right?</p> <p>5 A. That is correct.</p> <p>6 Q. Where did that tension come from?</p> <p>7 A. Fred Peivandi.</p> <p>8 Q. What was Fred's objection to that?</p> <p>9 A. He didn't feel that I needed a full-time  10 administrative assistant.</p> <p>11 Q. Did he voice that opinion to the Board?</p> <p>12 A. I don't know if he did or if he didn't. I can't say.</p> <p>13 Q. Did any Board member ever come to you to say, hey, you  14 know, I think you should drop the matter of it being a  15 full-time position?</p> <p>16 A. No, not directly to me.</p> <p>17 Q. Did the Board ultimately approve for --</p> <p>18 A. No --</p> <p>19 Q. -- a full-time position --</p> <p>20 A. -- excuse me, strike that. There was a conversation  21 with Shirley Kautman-Jones, who was the chairperson at  22 this particular time, along with John Mandelaris, who  23 was the vice-chair. I do recall having a meeting with  24 them in my office, and John Mandelaris was trying to  25 see if I really needed the full-time position, and if</p>	Page 146	<p>1 Q. Now, eventually you filed a charge of discrimination  2 concerning this matter; is that correct?</p> <p>3 A. That is correct.</p> <p>4 Q. That was with the EEOC?</p> <p>5 A. That is correct.</p> <p>6 (Document marked Deposition  7 Exhibit No. 9.)</p> <p>8 MR. CASCINI: I'm going to share a  9 document that I've marked as Exhibit 9 with opposing  10 counsel. We're a little bit short on copies right  11 now, but we will generate some more later, and then we  12 will provide the court reporter and opposing counsel  13 with one they can retain as well.</p> <p>14 Q. (BY MR. CASCINI) My only question that I want to ask  15 with this, that's why I'm going to short-circuit this  16 here, is that the EEOC charge that you filed regarding  17 your disability in response to this situation?</p> <p>18 A. What date?</p> <p>19 MS. GAFKAY: Right here. It says you  20 signed it February 4, 2019.</p> <p>21 THE WITNESS: That would be correct.</p> <p>22 Q. (BY MR. CASCINI) Okay. Did you receive a right to  23 sue letter from the EEOC following your submission of  24 this charge of discrimination?</p> <p>25 A. I did.</p>	Page 148
<p>1 I could continue to have that person -- no, strike  2 that. My mind again.</p> <p>3 It was John Mandelaris who recommended,  4 and it's reflected in some Board minutes, that that  5 position be a full-time position. I was in a little  6 -- because I've got so many dates and things that I'm  7 doing.</p> <p>8 Q. Completely understandable.</p> <p>9 A. But there should be in the minutes, in the Board  10 minutes, where John Mandelaris recommended that that  11 job be a full-time position.</p> <p>12 Q. Was that always John's opinion about the position?</p> <p>13 MS. GAFKAY: Objection; lack of  14 foundation.</p> <p>15 Q. (BY MR. CASCINI) To your knowledge, based on comments  16 that John made to you, was that always his opinion  17 about that position?</p> <p>18 A. I can't recall.</p> <p>19 Q. Was the position eventually created into a full-time  20 position?</p> <p>21 A. That is correct.</p> <p>22 Q. Do you remember approximately when that was?</p> <p>23 A. I want to say sometime in 2019 maybe. It would've  24 been, again, about five months or so after that  25 position was brought on as a part-time position.</p>	Page 147	<p>1 Q. And did you end up filing a lawsuit in response to  2 that right to sue letter?</p> <p>3 A. I did not.</p> <p>4 Q. At the time you made the statements on the charge of  5 discrimination, you were honest when you made the  6 allegations that you made there?</p> <p>7 A. To my knowledge, yes.</p> <p>8 Q. Okay. With respect to the full-time position of an  9 administrative assistant, you previously testified  10 that, in the capacity of a part-time assistant, she  11 was meeting your visual accommodation needs. Did she  12 continue to do so after the position became full time?</p> <p>13 A. She did.</p> <p>14 Q. And my understanding is that that position continued  15 until October of 2021; is that correct?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. What happened in October of 2021?</p> <p>18 A. Well, I -- because of my race, I was put on a two-week  19 suspension because of my being retaliated against,  20 being treated different, being harassed, because I was  21 being denied my constitutional First Amendment rights,  22 freedom of speech.</p> <p>23 I was put on a administrative leave, in  24 connection with my two-week suspension; and,  25 unfortunately, on Labor Day, I received a e-mail</p>	Page 149

<p>1 saying that I was not to report back to work because I      2 was being put on a administrative leave indefinitely      3 because I filed a Complaint against Fred Peivandi for      4 race discrimination.</p> <p>5 Q. And I will ask you questions about each of those      6 instances later in the deposition. My question      7 specifically is, do you know why the position was      8 adjusted, modified or changed in October of 2018?</p> <p>9 A. To deprive me, because of my race, my ADA      10 accommodation; and I strongly believe that was because      11 Fred had already earlier specified how he felt about,      12 he could hire somebody without a disability; and I      13 believe that it was a act of retaliation because of my      14 participation in Anthony Branch's deposition; because      15 I filed a EEOC complaint against Fred Peivandi; and      16 because I made numerous complaints in writing to the      17 Board about Fred Peivandi; because I exposed -- was      18 accused of not being able to do my job; that I was      19 being biased.</p> <p>20 So I believe with the combination of      21 all those things, including differential treatment, I      22 believe I do not have a HR administrative position to      23 this day because of the complaint, my lawsuit and my      24 participation in deposition.</p> <p>25 Q. The individual who occupied the HR administrative</p>	<p>Page 150</p> <p>1 she maintains the duties of assisting you with your      2 visual disability as a reasonable accommodation for      3 your disability?</p> <p>4 A. She do not.</p> <p>5 Q. She does not?</p> <p>6 A. No.</p> <p>7 Q. When you say that, do you mean that that's not part of      8 her job or it's just not something that she does?</p> <p>9 A. She does not accommodate me on the level by which I      10 was accommodated when she was my full-time HR      11 administrative -- executive administrative assistant      12 to accommodate me.</p> <p>13 Q. So have you continued to assign her duties consistent      14 with assisting you with your visual disability?</p> <p>15 A. In the course of a week, she might give me maybe half      16 an hour.</p> <p>17 Q. Have you assigned her work, though, is my question?</p> <p>18 A. I have.</p> <p>19 Q. And she tells you, what, in response, that she's      20 unwilling to do it, it's not my job, she's unable to      21 do it? What is her response to that?</p> <p>22 A. She does as I instruct her to do.</p> <p>23 Q. Okay. So you do instruct her to assist you with your      24 visual disability?</p> <p>25 A. Very limited.</p>
<p>1 assistant position, what was her name?</p> <p>2 A. Monica Pearson.</p> <p>3 Q. Is Monica Pearson still an employee of the GCRC?</p> <p>4 A. She is.</p> <p>5 Q. What position does Monica Pearson occupy with the</p> <p>6 GCRC?</p> <p>7 A. She holds the position as the HR benefits coordinator.</p> <p>8 Q. Do you know when she was promoted into that position?</p> <p>9 A. I do not without looking at her records.</p> <p>10 Q. Do you know whether that promotion was made in</p> <p>11 connection with the elimination of the HR</p> <p>12 administrative assistant position?</p> <p>13 A. The HR administrative position is still a vacant</p> <p>14 position.</p> <p>15 Q. Ah. My -- that's my fault, then. Let me ask a</p> <p>16 clarifying question. Do you know if she vacated the</p> <p>17 administrative assistant position in connection with</p> <p>18 her promotion into the benefits coordinator position?</p> <p>19 A. I know that the benefits coordinator position was</p> <p>20 posted, she applied for it, and she was the selected</p> <p>21 candidate for the position.</p> <p>22 Q. Do you know who was the one to make the decision to</p> <p>23 promote her into that position?</p> <p>24 A. I do not.</p> <p>25 Q. Do you know whether or not, as benefits coordinator,</p>	<p>Page 151</p> <p>1 Q. And she fulfills those obligations; she does what you      2 tell her to do?</p> <p>3 A. When I request her to do it, yes.</p> <p>4 Q. And she's doing that in the performance of her job;</p> <p>5 it's not a personal favor to you. She's doing that in</p> <p>6 her role as benefits coordinator?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know who, if anyone, changed the benefits</p> <p>9 coordinator position to permit her to perform those</p> <p>10 duties in the ordinary course of her performance?</p> <p>11 A. Could you repeat your question?</p> <p>12 MS. GAFKAY: Objection; lack of</p> <p>13 foundation.</p> <p>14 Q. (BY MR. CASCINI) So you've already testified that she</p> <p>15 assists you with your visual disability in the</p> <p>16 benefits coordinator position.</p> <p>17 Do you know whether that is a part of</p> <p>18 the job duties, the official job duties listed as the</p> <p>19 benefits coordinator position?</p> <p>20 A. True.</p> <p>21 MS. GAFKAY: Object; lack of</p> <p>22 foundation.</p> <p>23 Q. (BY MR. CASCINI) Only if you know. Do you know</p> <p>24 whether it is?</p> <p>25 A. That is not a part of her job description that she</p>

<p>1 specifically assist me with my visual reading, my      2 computer work, reading of my e-mails, or any research      3 that I may have; that is not in her job description.</p> <p>4 Q. (BY MR. CASCINI) Well, that was in the job      5 description of the administrative assistant position      6 prior to that?</p> <p>7 A. Yes; the reading, computer work, that should've been      8 in that previous job description. I need to see that      9 to confirm.</p> <p>10 Q. Totally fine, that's okay. I'm just asking you if you      11 know.</p> <p>12 With respect to that, you have asked      13 her to perform assistance for the visual disability      14 even though she's been in that new position?</p> <p>15 A. I've asked her to perform -- yes.</p> <p>16 Q. And she has done so?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have any reason to believe that anyone has ever      19 told her not to do that in her capacity as benefits      20 coordinator?</p> <p>21 A. When she was promoted into the HR benefits coordinator      22 position, that is not a part of the duty to assist me      23 with my visual disability. She was promoted into a      24 full-time HR coordinator position, and the person who      25 held the position prior to Monica Pearson also did not</p>	<p>Page 154</p> <p>1 try to keep it limited because she's working full time      2 in another capacity.</p> <p>3 So I work with strain on my eyes that      4 has led me to surgery, that is causing me a great deal      5 of pain and discomfort with my eyes because I don't      6 really have anyone to assist me to do what I need to      7 do at the level and the capacity by which I need done.      8 So out of respect for Monica, and understand that I      9 don't want to totally overwhelm her and discourage her      10 and lower her motivation and passion to work for this      11 organization that maybe lead her to leave, I don't      12 have it.</p> <p>13 That's why I continue to this day to      14 cry out to Randy Dellaposta, and I have shared with      15 Fred Peivandi before Randy Dellaposta that I need a      16 position; I've asked for it in writing, I have been      17 denied over and over and over again as recent as May      18 17th and as recent as June the 1st.</p> <p>19 Randy refuses to give me an assistant,      20 and I have shared with them, as a result of it, you're      21 putting a lot of harm, and you're possibly going to be      22 leading me where I could be subjected to more eye      23 loss. I only have one eye. I have severe glaucoma;      24 and the amount of stress that they're putting on me,      25 the amount of emotional stress they're putting on me,</p>
<p>1 have that responsibility to accommodate my disability.</p> <p>2 Monica, when she was HR -- executive HR      3 administrative assistant, she accommodated me 90      4 percent of the time. Now that she's in the HR      5 administrative -- the coordinator position and I don't      6 have a assigned executive HR administrative assistant      7 to assist me with my work, with the computer, with the      8 reading, research, anything else I may need to assist      9 me because of my disability, I don't have that today.</p> <p>10 So what I do, on a very frequent basis,      11 is ask Monica if she could come and help me with this      12 or maybe read this to me or do something that maybe      13 the managing director and/or the deputy director is      14 requesting that I put together, and I can't do it on      15 my own by myself without some type of assistance.</p> <p>16 So I look at the scale of what Monica      17 does today in comparison to the percentage of the time      18 she gave me when she was a full-time HR administrative      19 assistant designated to help me with my disability,      20 she gives me about maybe a total of about half an      21 hour, maybe, in any given week.</p> <p>22 Q. And is that the extent of the work that you assign her      23 to perform in that realm?</p> <p>24 A. That is not the total extent of what I need to be      25 done. That's the part that she can do for me, and I</p>	<p>Page 155</p> <p>1 the amount of mental anguish that they're putting on      2 me is causing me to have some serious problems. When      3 the stress is so high, it could lead me to blindness.      4 They don't seem to care about the physical disability,      5 which was evident when Fred said to me, when I first      6 started talking to him about my disability, as      7 though -- and then to be told that I'm using my      8 disability as a means of getting my way, that lets me      9 know that, I believe, the denial of my having -- my      10 request to fill the position is deliberate, to cause      11 me more physical, mental and emotional harm, and I      12 strongly believe, Andrew, that is based on my race.      13 There is no other variable other than that of my race      14 and the hate that Fred has already expressed that he      15 has for me.</p> <p>16 So when we get to this area of      17 conversation, I get really concerned. I get a little      18 irritated because I know it's wrong. No person with      19 an ADA condition, be that it is medical, mental or      20 physical or visual, should be subjected to what this      21 Board has allowed Fred and Randy Dellaposta to subject      22 me to, all because I use my First Amendment rights      23 because that was my duty, to talk about the Covid-19,      24 the danger of the Covid-19 and the risk that we're      25 putting our employees at.</p>

<p>1 I also feel that it's because of the      2 retaliation that I'm getting, because of my      3 involvement, in my participation in Anthony Branch's      4 lawsuit, and the fact that I filed two EEOC's against      5 this organization, including Fred Peivandi, that I      6 have filed a lawsuit, and I have made numerous written      7 complaints to Fred Peivandi. I have been interviewed      8 by the Road -- the Genesee County Board of      9 Commissioners; and also I believe it has a lot to do      10 with the reason why I only received a one -- I mean a      11 two percent increase in my salary.</p> <p>12 So there's a combination. And so      13 taking all of that into consideration, I believe is a      14 deliberate pushback to try to get me to break, to quit      15 or to resign.</p> <p>16 That's the reason why I don't have the      17 vacant position, that's still a vacant field, and it's      18 wrong, because you're putting my health at risk.      19 You're putting my eyesight at risk.</p> <p>20 MS. GAFKAY: Is this a good time to      21 break?</p> <p>22 MR. CASCINI: Well, I --</p> <p>23 THE WITNESS: It's a good time for me      24 to break.</p> <p>25 MR. CASCINI: Fair enough.</p>	<p>Page 158</p>	<p>1 MR. CASCINI: Yep.      2 (Luncheon recess taken.)      3 MR. CASCINI: Let's go back on the      4 record now, if we could. It looks like it's about      5 2:07 p.m., just returned from a break. Got a little      6 opportunity to rest.</p> <p>7 Q. (BY MR. CASCINI) And, Donna, just to orient us in      8 time, what I'd like to talk about now is, after the --      9 after Monica Pearson was promoted to the benefits      10 coordinator position is the time frame we're talking      11 about now.</p> <p>12 I believe earlier you testified that      13 she is less able to perform the visual accommodation      14 role now that she's -- after her promotion; is that      15 right?</p> <p>16 A. That's correct.</p> <p>17 Q. She has less time to do it?</p> <p>18 A. That's correct.</p> <p>19 Q. So we're only talking about the period of time after      20 the promotion occurred in October. Have you raised      21 concerns about her diminished capacity to assist you      22 with your visual disability with the Board subsequent      23 to that?</p> <p>24 A. No, because I have been prohibited by Fred Peivandi to      25 communicate with the Board on any issues without first</p>	<p>Page 160</p>
<p>1 THE WITNESS: Because at this point --      2 MS. GAFKAY: Hold on.      3 MR. CASCINI: I'm not asking you any      4 questions to attempt to harass you. I'm merely asking      5 questions about the allegations that are contained in      6 the Complaint.      7 MS. GAFKAY: She's -- it's the content.      8 You're not doing anything wrong, Andrew.      9 MR. CASCINI: Okay. I just wanted to      10 put that on the record, that, you know, I'm not doing      11 anything intentionally to antagonize you, Donna. I      12 have no interest in doing so. I do, however, have a      13 duty and an interest to ask you questions about the      14 allegations that are in your Complaint.      15 MS. GAFKAY: Yeah, you have a right to      16 do that.      17 MR. CASCINI: So you've asked to have a      18 break. I totally understand that, and we can take      19 that break now; that's fine with me.      20 MS. GAFKAY: We've been going for quite      21 some time, since 9:00 a.m. It's now past 1:00. I      22 would recommend and request that we break until 1:45      23 so we can have a lunch break.      24 MR. CASCINI: That's fine by me.      25 MS. GAFKAY: Thank you so much.</p>	<p>Page 159</p>	<p>1 discussing it with him.      2 Q. Okay. Have you discussed it with him?      3 A. I discussed it with Randy Dellaposta.      4 Q. Tell me about your discussions that you had with this      5 topic with Randy Dellaposta?      6 A. I shared with him that, regardless that Monica was the      7 benefits coordinator, and does not negate the fact      8 that I still need an assistant.      9 Q. And when you told him that you still needed an      10 assistant, have you specifically brought up the fact      11 that you need the assistant in order to perform the      12 visual accommodation role?      13 A. Not in writing. I discussed that with him numerous      14 times verbally.      15 Q. So when you say not in writing, there are some      16 discussions that you had with Randy about this topic?      17 A. That is correct.      18 Q. But they did not specifically discuss your need to      19 have a visual accommodation?      20 A. My memory is we discussed that Monica, being the      21 benefits coordinator, does not negate the fact that I      22 still need the HR administrative assistant.      23 Q. Okay. And not trying to belabor the point, I just      24 want to make sure I understand. That's what the      25 written communication is about; there's also verbal</p>	<p>Page 161</p>

<p>1 communications that you had with Randy?</p> <p>2 <b>A.</b> Numerous verbal communications.</p> <p>3 Q. Do you know approximately when those verbal</p> <p>4 communications occurred?</p> <p>5 <b>A.</b> I came to work on November 8th. I would have</p> <p>6 discussed that with Randy in his office on November</p> <p>7 the 8th; and subsequently, after that, numerous times.</p> <p>8 I can't give you the specific dates that I've actually</p> <p>9 discussed that with him. I believe most recently in a</p> <p>10 May 17th meeting in this particular room, I again</p> <p>11 raised it as an issue.</p> <p>12 Q. And when you brought it up on November 8th, May 17th</p> <p>13 and the numerous times that it happened in between,</p> <p>14 have you ever told him during those conversations that</p> <p>15 you needed it specifically because she could no</p> <p>16 longer -- Monica could no longer perform the visual</p> <p>17 accommodation function --</p> <p>18 <b>A.</b> Yes.</p> <p>19 Q. -- as business coordinator?</p> <p>20 <b>A.</b> Yes.</p> <p>21 Q. And what was Randy's response to you?</p> <p>22 <b>A.</b> He gave me no response, other than the fact that they</p> <p>23 were not going to fill the position.</p> <p>24 Q. Did he explain why they weren't going to fill the</p> <p>25 position?</p>	Page 162	<p>1 <b>A.</b> Once I read the job description.</p> <p>2 Q. Have you ever brought up the -- scratch that -- strike</p> <p>3 that from the record. I'm sorry.</p> <p>4 Have you ever raised the issue of the</p> <p>5 visual accommodation function with Monica Pearson</p> <p>6 herself?</p> <p>7 <b>A.</b> Yes.</p> <p>8 Q. And approximately -- did you have those communications</p> <p>9 in writing, were they verbal?</p> <p>10 <b>A.</b> Verbal.</p> <p>11 Q. And I'm asking again just to reorient us in time, and</p> <p>12 I just want to be clear, subsequent to her being</p> <p>13 promoted into the benefit coordinator position, have</p> <p>14 you had communications with her about that?</p> <p>15 <b>A.</b> Yes.</p> <p>16 Q. Okay, perfect. And do you know approximately when</p> <p>17 those conversations occurred?</p> <p>18 <b>A.</b> It would've been when I returned back to work on</p> <p>19 November 8th and several times after.</p> <p>20 Q. Okay. And what was the substance of those</p> <p>21 conversations? What did you discuss?</p> <p>22 <b>A.</b> Well, my understanding was that she understood that</p> <p>23 her role was to be a full-time benefits coordinator;</p> <p>24 and we discussed that the magnitude of work that I do,</p> <p>25 that it was impossible for her to be able to</p>	Page 164
<p>1 <b>A.</b> No.</p> <p>2 Q. And subsequent to this, did you ever escalate your</p> <p>3 concerns either to Fred or to any member of the Board?</p> <p>4 <b>A.</b> Again, I was prohibited from talking to the Board</p> <p>5 concerning this matter.</p> <p>6 Q. You testified earlier you're prohibited from</p> <p>7 communicating with the Board without addressing it</p> <p>8 with Fred first; right?</p> <p>9 <b>A.</b> That is correct.</p> <p>10 Q. And you said you never addressed it with Fred; right?</p> <p>11 MS. GAFKAY: Objection; lacks</p> <p>12 foundation.</p> <p>13 Q. (BY MR. CASCINI) Did you ever address it with Fred?</p> <p>14 <b>A.</b> Not since I've been back to work from November the</p> <p>15 8th. That's because Fred was no longer my direct</p> <p>16 report.</p> <p>17 Q. Got it. When Randy expressed that he was not going to</p> <p>18 fill the position, did he explain why he did not</p> <p>19 intend to fill the position?</p> <p>20 <b>A.</b> No.</p> <p>21 Q. Did Randy ever discuss with you the changes that were</p> <p>22 made to the benefits coordinator job description?</p> <p>23 <b>A.</b> No.</p> <p>24 Q. Were you aware that changes were made to the benefits</p> <p>25 coordinator job description?</p>	Page 163	<p>1 accommodate me at the level that she was doing prior</p> <p>2 to me returning back to work.</p> <p>3 Q. Do you know if Monica raised those concerns with</p> <p>4 anybody else other than you?</p> <p>5 <b>A.</b> I do not.</p> <p>6 Q. Did you raise those concerns, based on that meeting,</p> <p>7 with Randy?</p> <p>8 <b>A.</b> I did.</p> <p>9 Q. And then at that point in time, Randy said that</p> <p>10 they're not going to be making any changes to the</p> <p>11 position?</p> <p>12 <b>A.</b> That is correct.</p> <p>13 Q. You mentioned earlier that you had been provided other</p> <p>14 visual accommodations to allow you to perform the</p> <p>15 essential functions of your job. You mentioned, I</p> <p>16 believe, that there were adjustments made to your</p> <p>17 computer monitor and adjustments made to your</p> <p>18 lighting. Have any of those been removed or modified</p> <p>19 in any way by Fred Peivandi at any time?</p> <p>20 <b>A.</b> No.</p> <p>21 Q. Have any of them been removed or modified in any way</p> <p>22 by any member of the administration?</p> <p>23 <b>A.</b> Point of clarification. For modification, modified,</p> <p>24 what are you specifically saying?</p> <p>25 Q. Were you limited from accessing them or limited from</p>	Page 165

<p>1 using them in any substantial way?</p> <p>2 <b>A.</b> No.</p> <p>3 Q. And when were those implemented, when were you given</p> <p>4 those accommodations? That was early in your</p> <p>5 employment?</p> <p>6 <b>A.</b> In 2016, the lighting, also with my computer, and my</p> <p>7 parking space; and then throughout my career here,</p> <p>8 I've had some adjustments made to my lights, my</p> <p>9 computer, my computer screen, et cetera.</p> <p>10 Q. Has anyone from the administration ever rejected an</p> <p>11 accommodation request that you made, other than the</p> <p>12 issue of administrative assistant?</p> <p>13 <b>A.</b> No.</p> <p>14 Q. Has anyone ever approved an accommodation and later</p> <p>15 revoked that accommodation, other than the</p> <p>16 administrative assistant?</p> <p>17 <b>A.</b> No.</p> <p>18 Q. Who was the person who actually provided the</p> <p>19 accommodations, in other words, you know, adjusting</p> <p>20 the lights or adjusted the computer?</p> <p>21 <b>A.</b> When it comes to the light, that would be our building</p> <p>22 employees; and then -- facility.</p> <p>23 Q. Sure.</p> <p>24 <b>A.</b> And then for my computer, it would be either Mike or</p> <p>25 it might be Monica, depending on what I needed done.</p>	Page 166	<p>1 them to take into strong consideration, I need the</p> <p>2 need (sic) for other HR responsibilities that I feel</p> <p>3 that person can do.</p> <p>4 Q. I understand. What did he do, if anything, about it?</p> <p>5 MS. GAFKAY: Objection; lack of</p> <p>6 foundation.</p> <p>7 Q. (BY MR. CASCINI) Do you know whether he did anything</p> <p>8 about it in response to that conversation?</p> <p>9 <b>A.</b> I can't recall.</p> <p>10 Q. When Fred Peivandi allegedly made the comment to you</p> <p>11 about why should I give you an accommodation when I</p> <p>12 could have an HR director that did not have a</p> <p>13 disability, was he the managing director at that time?</p> <p>14 <b>A.</b> Yes; yes, he was.</p> <p>15 Q. Was it shortly after he was hired as managing</p> <p>16 director?</p> <p>17 <b>A.</b> I can't remember how long after, but I -- I can't</p> <p>18 remember exactly how long, but it was after he became</p> <p>19 the managing director.</p> <p>20 Q. Approximately how long was it before he approved the</p> <p>21 creation of the position after he had become managing</p> <p>22 director?</p> <p>23 <b>A.</b> I believe that would've been sometime probably in</p> <p>24 2019.</p> <p>25 Q. Okay.</p>	Page 168
<p>1 Q. Got it. I want to ask you, so we're going to shift</p> <p>2 back in time a little bit to when -- prior to the</p> <p>3 administrative assistant position being created. So</p> <p>4 after you were hired, before that position was</p> <p>5 created, talking about that time frame.</p> <p>6 <b>A.</b> Okay.</p> <p>7 Q. Did you ever have any conversations -- I'd asked you</p> <p>8 prior whether you had any conversation with Anthony</p> <p>9 Branch and Fred Peivandi.</p> <p>10 Did you ever have any conversation with</p> <p>11 Anthony Branch about the creation of the</p> <p>12 administrative assistant position?</p> <p>13 <b>A.</b> I believe in his capacity as the co-interim director,</p> <p>14 there might've been.</p> <p>15 Q. And do you remember when that conversation may have</p> <p>16 occurred? So it was while he was the co-interim</p> <p>17 managing director, I know that; but with any more</p> <p>18 specificity, do you know when that occurred?</p> <p>19 <b>A.</b> No.</p> <p>20 Q. What was the substance of that conversation?</p> <p>21 <b>A.</b> Just my need of having a HR administrative assistant</p> <p>22 as a result of my visual disability. Also in that</p> <p>23 particular conversation, I shared with him that I did</p> <p>24 not want to make total emphasis on a need for the</p> <p>25 assistance for my visual disability. I also wanted</p>	Page 167	<p>1 <b>A.</b> Give or take.</p> <p>2 Q. And earlier you gave some testimony about, you know,</p> <p>3 communications that you may have had with Tom</p> <p>4 Derderian about this; and keeping in mind the</p> <p>5 instruction I've given about excluding privileged</p> <p>6 communications from any testimony you're going to give</p> <p>7 today, the conversation with Tom, was anybody else</p> <p>8 present during that conversation?</p> <p>9 <b>A.</b> There were times when Tom and I had communications</p> <p>10 concerning that information, and Randy -- I'm sorry --</p> <p>11 Anthony Branch may have been present in the office. I</p> <p>12 can't recall if anyone else may have been there, but</p> <p>13 it's a possibility.</p> <p>14 Q. Fair enough. Is it possible that Fred may have been</p> <p>15 present during the conversation?</p> <p>16 <b>A.</b> Not -- there was a time when Fred Peivandi and Tom</p> <p>17 Derderian and I did have a meeting to discuss that</p> <p>18 that led to the letter that was presented to the</p> <p>19 Board.</p> <p>20 Q. Got it. Okay. And that was -- was anyone present</p> <p>21 other than you and Tom and Fred during that meeting?</p> <p>22 <b>A.</b> I can't recall.</p> <p>23 Q. So the only alleged refusal of any accommodation,</p> <p>24 disability-related accommodation, request that you</p> <p>25 ever made was with respect to the administrative</p>	Page 169

<p>1 assistant position; right?</p> <p>2 <b>A.</b> That is correct.</p> <p>3 Q. No other requests were ever rejected; correct?</p> <p>4 <b>A.</b> That's correct.</p> <p>5 Q. I wanted to ask you a question, this is circling back</p> <p>6 to another topic that I noticed in my notes. So this</p> <p>7 is going back a ways during our dep today, and I</p> <p>8 apologize for that.</p> <p>9 You mentioned prior that Fred Peivandi</p> <p>10 had raised concerns about your religious orientations;</p> <p>11 is that right?</p> <p>12 <b>A.</b> That is correct.</p> <p>13 Q. Is that a part of this lawsuit? Is that a part of</p> <p>14 this Complaint?</p> <p>15 <b>A.</b> No.</p> <p>16 Q. That allegation hasn't been raised here; right?</p> <p>17 <b>A.</b> No.</p> <p>18 Q. Do you know when that conversation occurred?</p> <p>19 <b>A.</b> That would've been during the time of Covid to the</p> <p>20 time of the mayor's -- oh no, I'm sorry --</p> <p>21 presidential election, the last presidential race</p> <p>22 where Bernie Sanders was in that race. So it would've</p> <p>23 been during the primary time of that election.</p> <p>24 Q. And are we referring to the 2020 election or 2016</p> <p>25 election?</p>	<p>Page 170</p>	<p>1 because I haven't heard it raised yet, which is, "In</p> <p>2 2019, Defendant Peivandi requested HR to provide him</p> <p>3 with a list of employees by name and race. When</p> <p>4 questioned about the list, Defendant Peivandi could</p> <p>5 not provide a viable answer as to why he needed the</p> <p>6 requested list."</p> <p>7 Is this an allegation that is in your</p> <p>8 Complaint?</p> <p>9 <b>A.</b> I would have to look at the Complaint.</p> <p>10 Q. Fair enough. Is that an allegation that you intend to</p> <p>11 raise as part of this lawsuit?</p> <p>12 <b>A.</b> I would have to defer to my attorney.</p> <p>13 Q. In any event, is it accurate that he asked you to</p> <p>14 provide him with a list of employees by name and race?</p> <p>15 <b>A.</b> What he did, he put the request in to Rachel Mullen</p> <p>16 who reports to me. When he first asked for the list,</p> <p>17 he asked for the list based on names, position, titles</p> <p>18 and I think department by which the employee worked.</p> <p>19 The second time he asked for the list,</p> <p>20 he asked Rachel to give it to him by name and race,</p> <p>21 and that drew a red flag to her; so at that point she</p> <p>22 brought it to my attention, and that's when I became</p> <p>23 aware that the request was by race associated with the</p> <p>24 name.</p> <p>25 Q. Did Rachel describe to you whether or not Fred gave</p>	<p>Page 172</p>
<p>1 <b>A.</b> It would've been in the 2020.</p> <p>2 Q. Is there a reason that you associate that comment with</p> <p>3 that having been made at that time?</p> <p>4 <b>A.</b> Sure. It was based on the nature of the conversation</p> <p>5 we had at that particular time. At that time, we were</p> <p>6 talking about the election. He felt that -- I felt he</p> <p>7 wanted me to vote for Bernie Sanders versus Joe Biden,</p> <p>8 and he gave his reasons why; and then we began to talk</p> <p>9 about some concerns that he had about his son,</p> <p>10 apparently he was having issues with being bipolar or</p> <p>11 something like that, and some other concerns he had</p> <p>12 concerning his daughter; and one of the things I</p> <p>13 shared with him that, based on my religious beliefs,</p> <p>14 that prayer works. So he said he wasn't -- he waved</p> <p>15 his hand, and he said he wasn't into all of that, he</p> <p>16 was a Muslim, that he wasn't for the type of religion</p> <p>17 that I was in.</p> <p>18 Q. And when he said that he wasn't for it, he meant as an</p> <p>19 option for treatment of his son's medical condition?</p> <p>20 <b>A.</b> He offered up the fact that I knew someone that could</p> <p>21 talk to him.</p> <p>22 Q. Sure. Certainly that's often very helpful with some</p> <p>23 people, I understand that.</p> <p>24 Now, your Complaint contains the</p> <p>25 following allegation, and I only reference it herein</p>	<p>Page 171</p>	<p>1 any justification for why he wanted that list to be</p> <p>2 made?</p> <p>3 <b>A.</b> No.</p> <p>4 Q. Did you ever ask Fred why he wanted that list to be</p> <p>5 made?</p> <p>6 <b>A.</b> I did.</p> <p>7 Q. And when did you ask him about that?</p> <p>8 <b>A.</b> It would have been shortly after he requested it.</p> <p>9 Q. And what did he tell you?</p> <p>10 <b>A.</b> He said he needed the list 'cause he felt that would</p> <p>11 be a good way for him to be able to identify or get to</p> <p>12 know the employees here at the Road Commission.</p> <p>13 Q. Was a list ever assembled?</p> <p>14 <b>A.</b> That is correct.</p> <p>15 Q. I'm very sorry. So there was a list that was</p> <p>16 assembled?</p> <p>17 <b>A.</b> Per Fred Peivandi's request, yes.</p> <p>18 Q. Okay. Had a document similar to that ever been</p> <p>19 assembled within the Road Commission before?</p> <p>20 <b>A.</b> No.</p> <p>21 Q. Was that information available in the GCRC records?</p> <p>22 <b>A.</b> To what magnitude are you asking the question?</p> <p>23 Q. Well, I guess I'll back up, actually. Who assembled</p> <p>24 the list?</p> <p>25 <b>A.</b> Rachel Mullen did.</p>	<p>Page 173</p>

<p>1 Q. How did Rachel Mullen assemble the list?  2 A. She went into our Precision and looked at all the  3 employees and made a report from that because our  4 system will show the person's name, it will show the  5 department that they work for, it will show their age,  6 it would show their race; and she viewed it from that  7 particular base, to my understanding.  8 Q. I think that I know the answer to this one, but why is  9 that information collected and available in the  10 database within the GCRC records?  11 A. Because when you are trying to -- when we put  12 information in the employee's, what we call their job  13 history, all that information is there. So the reason  14 is that we can be able to go to a system and see and  15 be able to pull the applicable reports when we need to  16 pull the reports. So we have to be able to identify  17 our employees by name, by race, by age, by gender, by  18 classification, by wage, et cetera.  19 Q. And one of the purposes for that is with EEO  20 reporting; is that right?  21 A. With the EEO -- what you're referring to is the EEO-4  22 reporting. What that report does, it does not ask you  23 for any names and/or associated with race. It only  24 wants us to know -- it only requires us to tell  25 information about the number of employees we have, how</p>	Page 174	<p>1 A. That's correct, in a Board meeting.  2 Q. Got it. Bryant Nolden, a Genesee County commissioner,  3 not a Road Commission commissioner; correct?  4 A. That is correct.  5 Q. Got it. And then it says here questions were raised.  6 What questions did he raise?  7 A. I don't know the specific questions without seeing  8 what was put in the Board minutes.  9 Q. Did Bryant Nolden discuss this matter with you at all?  10 A. After the Board meeting, yes.  11 Q. Did he tell you at any point in time how he came to  12 know that this list had been requested or that the  13 list had been generated?  14 A. No.  15 Q. Did you ever subsequently learn how he came to know  16 that?  17 A. No.  18 Q. Then I have, finally, the last line of this particular  19 allegation from your Complaint, is paragraph 21, is,  20 "Plaintiff witnessed Defendant Peivandi referring to  21 the requested list when making disciplinary  22 decisions."  23 When did you witness Mr. Peivandi  24 referring to that list when making disciplinary  25 decisions?</p>	Page 176
<p>1 many minorities, et cetera, et cetera, et cetera. But  2 nothing is associated with the name.  3 Q. Understand. Okay. So the reason the data is  4 collected, though, is that it assists in EEO  5 reporting?  6 A. That's one of the things it assists with.  7 Q. Do you know if a similar report was ever provided to  8 John Daly during his time as a managing director?  9 A. Not to my knowledge.  10 Q. Is it possible one was provided to him prior to your  11 time as the HR director?  12 A. I have no knowledge of that.  13 Q. Fair enough. And then you have the allegation that,  14 "Defendant Peivandi requesting the said list was  15 brought to attention of the GCRC by the Plaintiff and  16 questions were raised by a Genesee County Commissioner  17 who became aware of the matter."  18 Who is the Genesee County commissioner  19 there?  20 A. Well, there's several Genesee County people who are  21 commissioned that were aware; but the ones that I'm  22 familiar with in terms of what you're talking about  23 was probably Bryant Nolden.  24 Q. Okay. So the question was raised by Bryant Nolden,  25 who became aware of the matter?</p>	Page 175	<p>1 A. Whenever I had to discuss with Fred about the  2 recommended disciplinary action I wanted to take on an  3 employee, I would go to his office, and when we  4 discussed it, he would look at what was pinned right  5 there close to his computer, I believe it was, and he  6 would look up the name, and he would look over and see  7 the race, and then based on that, he'll make a  8 decision whether or not he agreed to my  9 recommendation.  10 Q. And you said based on the list, he would make a  11 decision about whether or not he agreed on your  12 recommendation. How do you know that it was based on  13 the list?  14 A. I strongly believe that, one, there was no need for  15 him to look at the list. There was nothing there to  16 identify who the employee was. The only thing that  17 was relevant at that point to him, in my opinion, was  18 the race; and a fine example that I noticed a pattern  19 of, when I recommended disciplinary action be imposed  20 on someone white, he did not support it or he changed  21 my recommendation in terms of the -- that disciplinary  22 action should be imposed, where it was disciplinary  23 action that I was recommending on African-Americans,  24 he supported.  25 Q. With respect to white employees where you recommended</p>	Page 177

<p>1 disciplinary action, did he ever approve your 2 recommendation for disciplinary action being imposed 3 on a white employee?</p> <p>4 <b>A.</b> Not during this time period, no.</p> <p>5 <b>Q.</b> Has he at any point during his tenure as the managing 6 director?</p> <p>7 <b>A.</b> After the list became a public concern, he did.</p> <p>8 <b>Q.</b> Okay. Prior to that, he did not?</p> <p>9 <b>A.</b> No.</p> <p>10 <b>Q.</b> Were there instances where you recommended 11 disciplinary action against a white employee prior to 12 the list becoming known?</p> <p>13 <b>A.</b> There was incidents where we had possibly four white 14 supervisors that I had imposed disciplinary action on, 15 and all four of those disciplinary actions were 16 overturned.</p> <p>17 <b>Q.</b> When you say they were overturned, how were they 18 overturned?</p> <p>19 <b>A.</b> They removed those disciplinary actions from the 20 record.</p> <p>21 <b>Q.</b> And I apologize, who removed those disciplinary 22 actions from the record?</p> <p>23 <b>A.</b> Fred Peivandi had a meeting.</p> <p>24 <b>Q.</b> Did he explain why he had them removed?</p> <p>25 <b>A.</b> He felt that I was biased, and the degree of the</p>	Page 178	<p>1 to be involved in all disciplinary action moving 2 forward, said that I could not make any more decisions 3 on imposing disciplinary action without his approval.</p> <p>4 <b>Q.</b> And that was a part of the directive he gave to all 5 the directors in that regard; correct?</p> <p>6 <b>A.</b> Well, that would be -- at that time, it was myself and 7 Anthony Branch, who had the bulk or 90 percent, almost 8 a hundred percent, of issues dealing with disciplinary 9 actions.</p> <p>10 <b>Q.</b> When you say he had the bulk of that, Anthony Branch 11 is the maintenance director; is that correct?</p> <p>12 <b>A.</b> That is correct.</p> <p>13 <b>Q.</b> And approximately what percentage of GCRC employees 14 does he supervise?</p> <p>15 <b>A.</b> Probably close 65 to 70 percent.</p> <p>16 <b>Q.</b> Approximately what percentage of GCRC employees do you 17 supervise?</p> <p>18 <b>A.</b> I supervise -- I don't give direct supervision to only 19 but probably about four.</p> <p>20 <b>Q.</b> Was the directive given to other super -- I'm sorry. 21 Were the directives given to other directors as well?</p> <p>22 <b>A.</b> I can't recall.</p> <p>23 <b>Q.</b> How did he announce that that change was going to be 24 made?</p> <p>25 <b>A.</b> He told me verbally, and --</p>	Page 180
<p>1 disciplinary action imposed, he felt was unfair.</p> <p>2 <b>Q.</b> Was there any pending union grievance or threatened 3 litigation or charges of discrimination pending with 4 any of those employees at that time?</p> <p>5 <b>A.</b> I believe that there were some that had grievances 6 written.</p> <p>7 <b>Q.</b> So they were bargaining unit members?</p> <p>8 <b>A.</b> That is correct.</p> <p>9 <b>Q.</b> Were they all bargaining unit members?</p> <p>10 <b>A.</b> That is correct.</p> <p>11 <b>Q.</b> Were all of their terminations grieved?</p> <p>12 <b>A.</b> Yes.</p> <p>13 <b>Q.</b> Was Fred's recommendation as part of a settlement to 14 resolve a grievance?</p> <p>15 <b>A.</b> I can't recall.</p> <p>16 <b>Q.</b> And when he explained to you why he had done it or why 17 he had rescinded those, he explained to you, he said 18 that you had been biased in making the recommendations; 19 is that right?</p> <p>20 <b>A.</b> That is correct.</p> <p>21 <b>Q.</b> Did he say that verbally or in writing?</p> <p>22 <b>A.</b> He said it verbally.</p> <p>23 <b>Q.</b> And when was that? When did he say that to you?</p> <p>24 <b>A.</b> It would've been shortly after the disciplinary action 25 was imposed, which led to Fred saying that he wanted</p>	Page 179	<p>1 Was there ever a memorandum that was distributed to 2 commemorate that action?</p> <p>3 <b>A.</b> It could've been.</p> <p>4 <b>Q.</b> And to be clear, the action that he decided to take 5 was that he had final say in all of the suspensions 6 and terminations regarding those employees; correct?</p> <p>7 <b>A.</b> That is correct.</p> <p>8 <b>Q.</b> So people could make recommendations to him about the 9 disciplinary action, and then he has to approve it?</p> <p>10 <b>A.</b> Well, technically the recommendation for disciplinary 11 action starts when you can't do a -- beyond the oral 12 or -- it comes to HR. So whatever issue that a 13 director have, as it relates to a disciplinary issue, 14 it comes to HR. So from that, HR, which would be 15 myself, make the recommendation in support of the 16 directors; and the way it's set up now, then Fred has 17 to look at the recommendation, then he would make a 18 decision as to whether or not we can move forward on 19 the recommendation for disciplinary action that's been 20 imposed.</p> <p>21 <b>Q.</b> And you do concede that this within the scope of his 22 job duties; right? He's the executive director of the 23 Road Commission; right?</p> <p>24 <b>A.</b> Correct.</p> <p>25 <b>Q.</b> So he has a right to do that if that's what he wants</p>	Page 181

1 to do? 2 <b>A.</b> Correct. 3 Q. But it's different from the way John Daly did it, is 4 my understanding? 5 <b>A.</b> Well, John Daly allowed HR to do the disciplinary 6 action. There were times which John Daly intervened 7 and began to ask questions if the union was raising 8 questions directly with John Daly and not with myself. 9 Q. Was there ever an instance where John Daly raised 10 questions about a proposed termination or suspension 11 of a nonunion employee? 12 <b>A.</b> Not to my knowledge. 13 Q. Do you know whether he ever raised those concerns 14 prior to your time as the HR director? 15 <b>A.</b> I do not. 16 Q. Do you feel you have a positive working relationship 17 with Randy Dellaposta, the deputy managing director? 18 <b>A.</b> I believe Randy and I have a respectful working 19 relationship. 20 Q. How long has Randy been your direct supervisor? 21 <b>A.</b> Since October 1st. 22 Q. And in his capacity as your direct supervisor, has he 23 maintained that respectful working relationship with 24 you? 25 <b>A.</b> Yes.	Page 182	1 MR. CASCINI: For the purposes of the 2 record, we have marked the document where it is given 3 Bates No. Defendants RPD Response 7 - No. 1 as Exhibit 4 10. This appears to be a letter dated January 28, 5 2021. It is addressed to the Genesee County Road 6 Commission, Board of Commissioners. It starts, "Dear 7 Commissioners." 8 Q. (BY MR. CASCINI) Donna, do you recognize this letter? 9 <b>A.</b> I do. 10 Q. What is this letter? 11 <b>A.</b> This is my complaint letter that I submitted to the 12 Genesee County Board of Commissioners about my 13 treatment that I felt I was being subjected to under 14 the leadership of Fred Peivandi. 15 Q. Did you submit this letter to the Board directly? 16 <b>A.</b> I believe I mailed -- no. I believe I mailed the 17 hardcopy to them, and each Board member received this 18 letter on their desk. 19 Q. Does this communication represent the first time you 20 raised concerns with the Board concerning Fred 21 Peivandi's conduct, behavior or treatment of you? 22 <b>A.</b> Absolutely not. 23 Q. Had you ever filed a written complaint against Fred 24 Peivandi before with relation to these issues that are 25 raised in this letter?	Page 184
1 Q. Have you maintained a respectful working relationship 2 with the GCRC's other directors? 3 <b>A.</b> Yes. 4 Q. And the other directors include Anthony Branch, the 5 maintenance director, it would be the finance 6 director, who -- see, I'm already losing it -- 7 Could you go through each of the 8 directors and explain whether or not you've maintained 9 a positive working relationship, starting with Anthony 10 Branch? 11 <b>A.</b> I have maintained a positive relationship with Anthony 12 Branch, the director of maintenance; Tracy Khan, the 13 director of finance. 14 Q. Tracy -- 15 <b>A.</b> Tracy Khan, K-h-a-n; Eric Johnston, the director of 16 engineering; and Randy Dellaposta, the deputy 17 director. 18 Q. And those relationships have been, overall, you 19 considered them positive and respectful? 20 <b>A.</b> Yes. 21 MR. CASCINI: All right. I'm going to 22 show you the next exhibit. I'm going to show you a 23 document you're no doubt familiar with. 24 (Document marked Deposition 25 Exhibit No. 10.)	Page 183	1 <b>A.</b> I believe there may be correspondence where I may have 2 addressed the issues in writing; and there were 3 numerous times where I addressed the issue in a Board 4 meeting and/or with individual Board members. 5 Q. Who were some of those Board members? 6 <b>A.</b> It would've been Bob Johnson, Mandelaris and 7 Dickerson. 8 Q. Anyone else? 9 <b>A.</b> I'm not sure. 10 Q. All right. I'm going to ask you questions 11 specifically about concerns you raised with 12 Commissioner Johnson now first. So let's just 13 separate that one out. When did you raise concerns, 14 prior to submitting this, with Commissioner Johnson 15 about Fred Peivandi? 16 <b>A.</b> I couldn't give the specific date. 17 Q. Approximately how many times did you raise these 18 concerns? 19 <b>A.</b> Numerous times from the time in which Fred Peivandi 20 became the managing director in or on about July 2018. 21 Q. What about prior to him becoming the managing 22 director? 23 <b>A.</b> I don't recall. 24 Q. Okay. What concerns did you raise at that point in 25 time?	Page 185

<p>1 A. I was very concerned that I felt that Fred was      2 racially biased against African-American people. I      3 raised my concerns specifically about my treatment      4 under Fred Peivandi. I raised concern about how I      5 felt Fred was treating women; and I raised concern      6 about how I felt Fred was treating Anthony Branch.      7 Q. And what response did Mr. Johnson give you when you      8 raised these concerns with him?      9 A. I can't remember the specific response, but he did      10 have some concern.      11 Q. What, if anything, did Commissioner Johnson do once      12 you raised these concerns with him?      13 A. I can't say what he did, because he never shared with      14 me what he did.      15 Q. What did he say?      16 A. He listened, and he did not agree to the actions of      17 Fred Peivandi.      18 Q. And when you say the actions of Fred Peivandi, out of      19 those things, that he's racially biased, your      20 treatment, treatment of women and treatment of Anthony      21 Branch; you're referring to the treatment aspect; is      22 that correct?      23 A. I also shared with him that I felt that Fred was      24 creating a hostile work environment.      25 Q. What was his reaction to that concern?</p>	Page 186	<p>1 we talked about Fred's wanting to have me fired.      2 Q. In response to those, what did Commissioner Mandelaris      3 say?      4 A. Well, one, he put in writing that he believed that      5 Anthony Branch and I were doing a fine job, and for me      6 to hold on and be strong, and did I read a book called      7 I'm Still There; and he talked about how there were      8 certain commissioners asking questions about me and      9 Anthony. I would have to go back to the e-mails to be      10 able to identify some additional things that we had      11 talked about.      12 Q. At any point in time, did he encourage you to file a      13 written complaint?      14 A. No.      15 Q. To the best of your knowledge, did he take any action      16 to remediate the concerns that you raised?      17 A. I believe there was times that he said that he had      18 been talking to Fred about our relationship; and he      19 also, in one of his e-mails, he said that he felt Fred      20 should retire.      21 Q. Did he express that he felt Fred should retire because      22 of the concerns that you had raised in your      23 conversations with him?      24 A. That is correct.      25 Q. Approximately when was that e-mail from him?</p>	Page 188
<p>1 A. He specified his concern and was basically listening.      2 Q. Was any action taken against Fred at any point in      3 time?      4 A. To my knowledge, there has been no action taken      5 against Fred Peivandi as it relates to his behavior      6 and his racial biases.      7 Q. Did Commissioner Johnson ever encourage you to file a      8 written complaint at any point?      9 A. No.      10 Q. All right. When did you raise concerns related to      11 Fred Peivandi with John Mandelaris?      12 A. It would be the same, throughout, after the time by      13 which Fred Peivandi became the managing director.      14 Q. Were the concerns that you raised with John Mandelaris      15 the same concerns that you raised with Commissioner      16 Johnson?      17 A. There would've been some additional concerns we talked      18 about.      19 Q. Can you tell me about just those additional concerns?      20 A. The additional concerns would be about the disrespect      21 that Fred was displaying against Cloyce Dickerson. We      22 talked about how Fred was trying to -- or worked      23 against the Board; in turn, blocking their increase in      24 their pay; and we talked about how Fred was trying to      25 have certain Board members removed from the Board; and</p>	Page 187	<p>1 A. I would have to get the e-mail.      2 Q. Do you think it was within the past year?      3 A. It would've definitely been since Fred was the      4 managing director.      5 Q. Do you know if Commissioner Mandelaris voted for Fred      6 Peivandi to succeed John Daly as the managing      7 director?      8 A. He did.      9 Q. It was at some point subsequent to that that he      10 changed and expressed a position that Fred should      11 retire?      12 A. That's correct.      13 Q. Has he maintained that position that he believes Fred      14 should retire subsequent to that?      15 MS. GAFKAY: Objection; lack of      16 foundation.      17 Q. (BY MR. CASCINI) Do you know whether or not he has      18 changed that position?      19 A. I do not.      20 Q. He never had a conversation with you about that?      21 A. I can't remember.      22 Q. Okay. Were you the party to the e-mail, were you the      23 recipient of the e-mail in which he said that he felt      24 Fred should retire because of the concerns you'd      25 raised?</p>	Page 189

<p>1 <b>A.</b> I was.</p> <p>2 Q. When was the last time you had any conversations with</p> <p>3 him about any of these topics?</p> <p>4 <b>A.</b> It would have been prior to my two-weeks termination</p> <p>5 and administrative leave.</p> <p>6 Q. You're referring to your two-weeks suspension?</p> <p>7 <b>A.</b> That is correct.</p> <p>8 Q. No conversation with him subsequent to that?</p> <p>9 <b>A.</b> No.</p> <p>10 Q. Then lastly, you said that you had conversations with</p> <p>11 Commissioner Dickerson. Do you remember when these</p> <p>12 conversations occurred?</p> <p>13 <b>A.</b> It would've been after Fred became the managing</p> <p>14 director.</p> <p>15 Q. In addition to the concerns that you raised with</p> <p>16 Commissioners Johnson and Mandelaris, what other</p> <p>17 concerns did you raise with Commissioner Dickerson, if</p> <p>18 any?</p> <p>19 <b>A.</b> It would've still been the same conversations that I</p> <p>20 had with Johnson and Mandelaris dealing with my</p> <p>21 concerns about Fred's racial discrimination practices</p> <p>22 and treatment towards African-American people and</p> <p>23 women. So it would have been basically the same type</p> <p>24 of conversation.</p> <p>25 Q. And did Commissioner Dickerson urge you to file a</p>	<p>Page 190</p>	<p>1 in response to receiving these concerns?</p> <p>2 <b>A.</b> No, I do not. Oh, strike that. I believe that he had</p> <p>3 communications with Tom Derderian.</p> <p>4 Q. Do you know if the conversations that he had with Tom</p> <p>5 Derderian were in the context of obtaining legal</p> <p>6 advice?</p> <p>7 <b>A.</b> I don't know.</p> <p>8 Q. Without asking you about the substance of those</p> <p>9 conversations, were you privy to those conversations?</p> <p>10 <b>A.</b> I believe it may have been a time where Mr. Dickerson</p> <p>11 (sic) may have been in my office at the same time as</p> <p>12 Cloyce Dickerson and there was conversation.</p> <p>13 Q. I understand. Is there written conversation, verbal,</p> <p>14 a mix of the two between Tom Derderian and Cloyce</p> <p>15 Dickerson without getting into the subject of the</p> <p>16 conversations?</p> <p>17 <b>A.</b> I don't have any knowledge.</p> <p>18 Q. Okay, I understand. So we're going to take a step</p> <p>19 back here, and we're going to talk about, these are</p> <p>20 the concerns that you raised with Board members.</p> <p>21 Is there anybody else that you raised</p> <p>22 concerns with prior to submitting your written</p> <p>23 complaint on January 28, 2021?</p> <p>24 <b>A.</b> I'm not sure.</p> <p>25 Q. Anybody external to the organization, that is to say,</p>	<p>Page 192</p>
<p>1 written complaint?</p> <p>2 <b>A.</b> No.</p> <p>3 Q. What did Commissioner Dickerson advise you to do?</p> <p>4 MS. GAFKAY: Object; lack of</p> <p>5 foundation.</p> <p>6 Q. (BY MR. CASCINI) How did Commissioner Dickerson</p> <p>7 respond to you raising these concerns?</p> <p>8 <b>A.</b> Basically the same way by which Mandelaris and Johnson</p> <p>9 did. Him and Mandelaris and Johnson was going to</p> <p>10 really try to get involved and communicate with Fred</p> <p>11 on some of these concerns.</p> <p>12 Q. Do you know if Commissioner Dickerson ever made good</p> <p>13 on that promise and attempted to get involved to</p> <p>14 communicate those concerns?</p> <p>15 <b>A.</b> I know that he had conversations with Fred. I don't</p> <p>16 know if there was anything resolved.</p> <p>17 Q. Do you know if Commissioner Dickerson took any other</p> <p>18 action with response to these concerns?</p> <p>19 <b>A.</b> I believe that Commissioner Dickerson had</p> <p>20 communications with Genesee County Board of</p> <p>21 Commissioners.</p> <p>22 Q. Do you know which commissioners?</p> <p>23 <b>A.</b> I believe -- no, not -- not with accuracy, I don't</p> <p>24 know.</p> <p>25 Q. Fair enough. Do you know if he took any other actions</p>	<p>Page 191</p>	<p>1 who is not an employee or a officer of the GCRC?</p> <p>2 <b>A.</b> Oh yes. I would have said my husband, family members.</p> <p>3 Q. Sure.</p> <p>4 <b>A.</b> Close friends, probably some professional friends I've</p> <p>5 had from the past.</p> <p>6 Q. Did you ever have any conversations with any Genesee</p> <p>7 County commissioners, referring to the County Board?</p> <p>8 <b>A.</b> Yes, I did. I had conversations with Commissioner</p> <p>9 Bryant Nolden. Subsequent to that, I believe I had</p> <p>10 conversations with Commissioner Charles Winfrey.</p> <p>11 Q. Anyone else?</p> <p>12 <b>A.</b> Not from the Genesee County Board of Commissioners</p> <p>13 that I can remember.</p> <p>14 Q. Approximately when -- I'm referring now just to times</p> <p>15 where you had communications with Commissioner Bryant</p> <p>16 Nolden prior to the January 28th letter being</p> <p>17 submitted. Approximately when did those</p> <p>18 communications occur?</p> <p>19 <b>A.</b> Throughout my being under the direction of Fred</p> <p>20 Peivandi; numerous times since I have been reporting</p> <p>21 directly to Fred Peivandi.</p> <p>22 Q. At any point in time prior to that had you?</p> <p>23 <b>A.</b> About my concerns?</p> <p>24 Q. Correct.</p> <p>25 <b>A.</b> No, not prior to Fred Peivandi becoming the managing</p>	<p>Page 193</p>

1 director, no. 2 Q. I understand. Approximately how many times do you 3 think that you had a conversation with Mr. Bryant 4 Nolden about those concerns? 5 A. Numerous times. 6 Q. More than five? 7 A. It could've been. 8 Q. Well, do you think it's more than 20? 9 A. I'm not sure. 10 Q. All right. What's the most recent conversation you 11 had with Commissioner Bryant Nolden about your 12 concerns? 13 A. I can't recall. 14 Q. All right. How, if at all, did Commissioner Nolden 15 respond to your concerns? 16 A. He was concerned. He felt that the treatment that I 17 was receiving and other African-Americans was 18 receiving was unfair and unjust, and he was going to 19 raise some issues with the Board, especially about the 20 -- Anthony Branch getting one percent and I getting 21 the two percent raise; and from that, he was going to 22 raise an issue about that. 23 Q. That happened, though, subsequently to your submission 24 of this letter; right? 25 A. That is correct.	Page 194	1 A. My communications with Charles Winfrey would've been 2 -- I don't know the time frame, but I do recall being 3 requested to come to a meeting to discuss my concerns 4 as it relates to the wage increase that I received and 5 Anthony Branch and to discuss some other issues 6 concerning Fred's racial behavior against African- 7 Americans and the treatment of African-Americans. I 8 don't know the date of that, but you might remember 9 because I think you were there with Tim Elkins and 10 Fred Peivandi; but I don't recall the date. 11 Q. So if I was there representing any members of the GCRC 12 during those communications, you're referring that it 13 being the same day? 14 A. Yes, because I recall when I left my interview that 15 you were there in the hallway with, I want to say Tim 16 Elkins. 17 Q. And so we're referring to meetings. That was with a 18 subcommittee of various commissioners; is that right? 19 A. That is correct. 20 Q. To your knowledge, if you know, was there ever an 21 official formation of the subcommittee? Was there 22 some sort of action taken by the Board to commence an 23 investigation? 24 A. I don't know. 25 Q. So Commissioner Winfrey merely called you to attend,
1 Q. So did he do anything in response to your concerns 2 prior to this letter being submitted? 3 MS. GAFKAY: Objection; lack of 4 foundation. 5 Q. (BY MR. CASCINI) You've already testified that you 6 had communications with him between the time period 7 where Fred was the managing director and the filing of 8 this letter; right? 9 A. That is correct. 10 Q. Okay. So is there anything that you're aware of that 11 he did between those two time periods? 12 A. I'm not aware. 13 Q. Did he suggest that you file a written complaint? 14 A. I can't recall. 15 Q. Okay. Now we're shifting focus, again, same time 16 frame, so we're talking about before you filed this 17 complaint, after Fred becomes the managing director. 18 When do you recall having conversations with Charles 19 Winfrey, Commissioner Winfrey about your concern? 20 A. My conversations with Charles Winfrey came after. Is 21 that what you're asking? 22 Q. Okay. So when you say after, you mean after you filed 23 this Complaint? 24 A. After this Complaint. 25 Q. Okay.	Page 195	1 so you attended? 2 A. No, that's not what happened. I received a phone call 3 from the Board coordinator, and -- Board administrator, 4 Josh Freeman, who requested my presence on a specific 5 date because the Board wanted to meet with me. 6 Q. And you did meet with the Board? 7 A. That is correct. 8 Q. What did you tell the Board during that meeting? 9 A. I can't recall what all I told the Board. 10 Q. Did you raise similar or identical concerns to the 11 ones that you raised with Bryant Nolden and with the 12 Genesee County commissioners that we've already 13 discussed with them? 14 A. That may be possible because I was responding to their 15 questions. 16 Q. Sure. Was that during the scope of what was 17 discussed, I guess I would say? 18 A. It could've been. 19 Q. You don't remember exactly what the content of those 20 questions were? 21 A. No. 22 Q. Approximately how long did that interview last? 23 A. I would say about an hour. 24 Q. Was Commissioner Nolden there at that same time? 25 A. No.

<p>1 Q. Who else was present there that day?</p> <p>2 A. Josh Freeman was present at that meeting; Commissioner</p> <p>3 Alan Ellenberg was present in that meeting;</p> <p>4 Commissioner Dominique Clemons was present in that</p> <p>5 meeting, along with Charles Smith was present in that</p> <p>6 meeting; and I don't recall if there was anyone else</p> <p>7 in that meeting.</p> <p>8 Q. So did you have any other conversations with</p> <p>9 Commissioner Winfrey about the issues that we've</p> <p>10 raised and discussed here that you also raised with</p> <p>11 Nolden and with the Genesee County Road Commissioners?</p> <p>12 A. I believe there was a time that I met with</p> <p>13 Commissioner Winfrey, Commissioner Nolden and</p> <p>14 Commissioner John Mandelaris, and I believe</p> <p>15 Commissioner Dickerson.</p> <p>16 Q. Do you remember when that meeting occurred?</p> <p>17 A. I don't.</p> <p>18 Q. Was this before or after you met with the subcommittee?</p> <p>19 A. This would've been before.</p> <p>20 Q. Was it before or after you filed this Complaint?</p> <p>21 A. It would've been before.</p> <p>22 Q. Before, okay. And what was the subject and the</p> <p>23 discussion of that meeting?</p> <p>24 A. The two African-Americans, myself as an African-</p> <p>25 American woman, dealing with issues that I felt I was</p>	<p>Page 198</p>	<p>1 A. No.</p> <p>2 Q. Have you ever had conversations with them about filing</p> <p>3 any FOIAs on your behalf?</p> <p>4 A. No.</p> <p>5 Q. Have they told you that they ever intended to file</p> <p>6 FOIA requests or to seek information about Fred</p> <p>7 Peivandi on your behalf?</p> <p>8 A. I can't recall.</p> <p>9 Q. In response to the subcommittee meeting, did they</p> <p>10 request any additional information? That's, of</p> <p>11 course, the meeting you were present for.</p> <p>12 A. No.</p> <p>13 Q. Did they ever call you back to give any additional</p> <p>14 testimony?</p> <p>15 A. No.</p> <p>16 Q. Did the Board as an assembled whole take any action in</p> <p>17 response to your concerns?</p> <p>18 A. I'm not aware.</p> <p>19 Q. Have you raised concerns of any other Genesee County</p> <p>20 Road of Commissioners -- with any commissioners from</p> <p>21 the Genesee County Board of Commissioners, I should</p> <p>22 say?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. In your January complaint, the document marked as</p> <p>25 Exhibit 10, the very first paragraph of page two,</p>	<p>Page 200</p>
<p>1 being retaliated against, I felt other African-</p> <p>2 Americans were being retaliated against, the working</p> <p>3 conditions of the Road Commission. I'm sure there was</p> <p>4 a lot more, but I just can't recall it all.</p> <p>5 Q. Was there any action taken, to the best of your</p> <p>6 knowledge, subsequent to that meeting to in any way</p> <p>7 remedy the conditions that you discussed?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. And subsequent to the subcommittee meeting that you</p> <p>10 just described, was there any action taken by the</p> <p>11 Genesee County Board of Commissioners, the County</p> <p>12 Board I'm referring to, that you know of to remedy the</p> <p>13 situation?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Now, did you have any other meetings with Commissioner</p> <p>16 Winfrey to discuss concerns that you may have had?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. Have you ever asked any member of the Genesee County</p> <p>19 Road Board of Commissioners to obtain information for</p> <p>20 you in relation to Fred Peivandi?</p> <p>21 A. I don't understand the extent of your question.</p> <p>22 Q. Had you ever had a communication with them and ask for</p> <p>23 them to request records, for them to request public</p> <p>24 documents, to request personnel files, anything that</p> <p>25 related to Fred Peivandi in any way?</p>	<p>Page 199</p>	<p>1 which is Bates No. 2, "Throughout 2019, I was faced</p> <p>2 with continuous deferential treatment, micromanaged,</p> <p>3 usurping of my authority, ridiculed, and suffered</p> <p>4 embarrassment in the presence of my colleagues,</p> <p>5 excluded from meetings that I should have been in</p> <p>6 attendance."</p> <p>7 Are you stating in this paragraph that</p> <p>8 Fred Peivandi subjected you to all of these conditions?</p> <p>9 A. Yes.</p> <p>10 Q. With respect to being excluded from meetings that you</p> <p>11 should have been in attendance for, what meetings are</p> <p>12 you referring to there?</p> <p>13 A. Numerous times Fred would have meetings discussion --</p> <p>14 discussing with certain directors about employee jobs,</p> <p>15 their wages, staffing that I was not privy to,</p> <p>16 discussions about potential -- or grievances that I</p> <p>17 was not privy to.</p> <p>18 Q. Have you been privy to these meetings in the past?</p> <p>19 A. Yes.</p> <p>20 Q. Were you excluded from any other meetings or is that</p> <p>21 list comprehensive?</p> <p>22 A. I have been excluded from meetings where other</p> <p>23 directors were in that I was not in that I felt that I</p> <p>24 should've been in because it was dealing with employee</p> <p>25 issues.</p>	<p>Page 201</p>

<p>1 Q. To your knowledge, do you know whether or not any  2 other directors were excluded from those meetings?  3 A. I have no knowledge.  4 Q. Do you know whether all of the other directors were in  5 attendance at those meetings?  6 A. In a few of the meetings, yes.  7 Q. You do know that all of the other directors were  8 present at a few of those meetings where you alone  9 were not?  10 A. That is correct.  11 Q. Can you give me an example of any one of those  12 meetings, we're referring to just the subset, where  13 all the other directors were present and you were not?  14 A. Shortly after I filed my EEOC complaint and before I  15 filed my EEOC complaint, Fred had instructed me that I  16 do not attend the meetings, that he would meet with me  17 on an individual basis. And so he held the meeting,  18 and afterwards, I had two of the directors, being that  19 that was Coetta Adams, Randy Dellaposta -- and I'm  20 sorry, there was three, and Anthony Branch thought  21 that I might've been out sick, something had happened  22 to me, so they came to the office to make sure I was  23 okay and then discovered that I was -- I told them  24 that I was told not to attend the meeting.  25 Q. Was this the only instance of a time where the other</p>	<p>Page 202  1 Bechakes that we were giving testimony about earlier?  2 A. That is correct.  3 Q. This was, you stated, in response to a complaint filed  4 by Linda Kossack, the executive secretary; is that  5 right?  6 A. That is correct.  7 Q. So Linda comes to you and makes this complaint, and  8 then you send out that e-mail to the Board. Was that  9 a part of the investigation or did you send this  10 e-mail after she had withdrawn that complaint?  11 A. The e-mail that was bringing to the Board's attention  12 about Fred's relationship came prior to Linda's  13 complaint.  14 Q. Okay. So there was a separate reason for you to have  15 concerns about Fred's relationship with Vicki  16 Bechakes?  17 A. The initial complaint was, I was informed that Fred  18 Peivandi was having a relationship with Vicki.  19 Q. Okay. And Linda was the one who informed you?  20 A. No.  21 Q. Okay. Who was it -- who informed you first about this  22 issue, then?  23 A. I can't recall who informed me. I recall that they  24 said it was on the Facebook where Vicki had, on her  25 Facebook, shared that she was in a relationship with</p>
<p>1 Page 203  2 directors all attended the meeting and you were told  3 not to attend?  4 A. There was a time where you had Anthony Branch at a  5 meeting, Tracy Khan, Eric Johnston and Randy  6 Dellaposta, they were meeting discussing employee  7 issues and changes that they want to make as it  8 relates to employee schedule, et cetera, and I was not  9 privy in that meeting.  10 Q. So that's a second meeting? We're discussing a  11 separate meeting than the one prior?  12 A. That is correct.  13 Q. Are there any other meetings?  14 A. There were other meetings; I just can't give the time.  15 Q. You mentioned Anthony Branch was in attendance at both  16 the second meeting you referred to and the first  17 meeting you referred to; is that correct?  18 A. That is correct.  19 Q. The second full paragraph of your letter here, it  20 says, the one that starts with, "On July 20, 2020, I,  21 via written e-mail correspondence, expressed my  22 concerns to the full Board of Commissioners about Fred  23 Peivandi having a relationship with GCRC's executive  24 secretary, who for 13 years served as Fred's executive  25 secretary."  26 Is this the matter related to Vicki</p>	<p>Page 205  1 Fred Peivandi.  2 Q. So this was disclosed via Facebook?  3 A. Initially, to my understanding.  4 Q. And did you perform any investigatory activity prior  5 to sending this e-mail on this matter?  6 A. What happened is that Randy Dellaposta shared with me  7 that Fred had shared with him that he was having a  8 relationship with Vicki, and he was concerned about  9 the Board becoming aware of that relationship.  10 Randy shared with me that he told Fred  11 Peivandi that he need to come and talk to me about the  12 situation.  13 Q. And Randy is communicating this directly to you?  14 A. That is correct.  15 Q. And with respect to Randy's concerns, is that what led  16 you to send the e-mail to the Board of Commissioners  17 about this matter?  18 A. Not at that time.  19 Q. Okay. Did you have a conversation with Fred prior to  20 sending the e-mail to the Board of Commissioners about  21 his relationship with Vicki Bechakes?  22 A. When I attempted to talk to Fred about it, he felt  23 that I was the only one concerned about it. I also,  24 before I talked to the Board, via this correspondence,  25 I had communication with Tom Derderian.</p>

<p>1 Q. Okay. So excluding any communications that may have      2 been for the purpose of obtaining legal advice, did      3 you have conversations with anybody else about the      4 concerns related to Fred Peivandi and Vicki Bechakes      5 having a relationship?</p> <p>6 A. I can't recall.</p> <p>7 Q. So it was not Donna who was the first person to inform      8 you about the relationship and then filed a complaint      9 about it?</p> <p>10 A. I never --</p> <p>11 MS. GAFKAY: Object to the form.</p> <p>12 THE WITNESS: I never said that.</p> <p>13 MS. GAFKAY: Do you mean Linda?</p> <p>14 MR. CASCINI: Oh, my goodness. Thank      15 you, Julie. That went totally over my head. I      16 apologize. Let me rephrase, Donna, because we need      17 to.</p> <p>18 Q. (BY MR. CASCINI) So it was not Linda who was the      19 first one to raise a concern about Fred's relationship      20 with Vicki Bechakes?</p> <p>21 A. That is correct.</p> <p>22 Q. The way you looked at me when I said Donna --</p> <p>23 A. I knew what you meant, but --</p> <p>24 Q. Absolutely. It's been that kind of day.</p> <p>25 A. Do you want to take a break?</p>	<p>Page 206</p> <p>1 may have been, is that we were not to have      2 relationships with our employees.</p> <p>3 Q. Okay. And with respect to the prohibition against      4 having relationships with employees, is that an      5 organization-wide rule?</p> <p>6 A. To my understanding, it relates to myself in the      7 capacity in which I served, the managing director, or      8 any director or member of management that had      9 employees in the department that reported directly to      10 them that they could not engage in a relationship if      11 that person worked directly for them.</p> <p>12 Q. I understand.</p> <p>13 A. Or if they had any type of say-so over their employees'      14 wages, benefits, et cetera, could they get hired or      15 fired; those kinds of things.</p> <p>16 Q. Now, with respect to that past practice, what set the      17 past practice? When had you needed to implement or to      18 impose that policy on other situations within the      19 GCRC?</p> <p>20 A. I have never in my tenure had to impose it on anyone.</p> <p>21 Q. How did you come to learn about the past practice if      22 it wasn't inshrined in policy?</p> <p>23 A. Because when this situation came about, that's when I      24 began to get more information from my legal attorney,      25 labor relations attorney, about how these situations</p>
<p>1 Q. Nope. It is okay. I appreciate that, though.      2 When you had the conversation with      3 Fred, you said that, your testimony, that he informed      4 you that no one else was concerned but you about it?</p> <p>5 A. That is correct.</p> <p>6 Q. Do you remember approximately when that conversation      7 occurred?</p> <p>8 A. It would have been prior to this letter.</p> <p>9 Q. And subsequent to that, what made you decide to send      10 the letter?</p> <p>11 A. Because after talking with -- getting legal advice, it      12 was concluded that I had a legal duty to inform the      13 Board about this matter.</p> <p>14 Q. Okay. So you wrote the e-mail, informed them about      15 it. Did you do anything else with regard to this      16 matter?</p> <p>17 A. At that particular point, it was in the hands of the      18 Board.</p> <p>19 Q. Can you briefly describe for me the GCRC's policy      20 regarding relationships in the workplace?</p> <p>21 A. The policy does not speak directly to this matter.</p> <p>22 Q. Sure.</p> <p>23 A. But past practice spoke directly to it. So it was      24 always my understanding, as it related to my role and      25 as it related to the managing director, whomever that</p>	<p>Page 207</p> <p>1 should be handled.</p> <p>2 Q. I gotcha. And to your knowledge, has there ever been      3 any sort of romantic relationship between any director      4 level employee and any other employee within the Road      5 Commission?</p> <p>6 A. To my knowledge, there has never been a member of      7 management who was in a relationship with an employee      8 who reported directly to them.</p> <p>9 Q. Got it. I understand. So with respect to that, you      10 raised the issue with the Board. What does the Board      11 do, if anything?</p> <p>12 A. To my knowledge, the Board hasn't done anything.</p> <p>13 Q. Did any members of the Board communicate with you in      14 response to that?</p> <p>15 A. I received an e-mail from John Mandelaris asking      16 specifically was there any language to the situation      17 as it related to the managing director dating one of      18 his employees.</p> <p>19 Q. Yes, same question I just did.</p> <p>20 A. That is correct. And then I also believed in that      21 same e-mail -- strike that. I don't know. I don't      22 have any other recollection. I have to see that      23 e-mail again to see the depth of what Mandelaris was      24 saying.</p> <p>25 Q. I completely understand. Based on your memory, did</p>

<p>1 any other commissioner respond to your concerns?</p> <p>2 <b>A.</b> It was told to me that -- no. It was told to me that</p> <p>3 Shirley Kautman-Jones and Dave Arceo, per Fred</p> <p>4 Peivandi, did not have a problem with it.</p> <p>5 <b>Q.</b> Shirley Kautman-Jones and Dave Arceo went to you with</p> <p>6 it?</p> <p>7 <b>A.</b> Yes.</p> <p>8 <b>Q.</b> I understand. In the fourth full paragraph of your</p> <p>9 complaint, it begins, "On September 21 and October 8,</p> <p>10 2020, I gave testimony via deposition in a</p> <p>11 discrimination and deferential treatment lawsuit filed</p> <p>12 against the Road Commission by GCRC Director of</p> <p>13 Maintenance, Anthony Branch."</p> <p>14 You were called as a witness in this</p> <p>15 lawsuit?</p> <p>16 <b>A.</b> That is correct.</p> <p>17 <b>Q.</b> Do you remember who called you, whether it was</p> <p>18 plaintiff's counsel or defense counsel?</p> <p>19 <b>A.</b> All I remember is that you told me that I was going to</p> <p>20 be deposed. So I don't know anything else.</p> <p>21 <b>Q.</b> Fair enough. With respect to the comment, as it ends</p> <p>22 that paragraph, "Fred Peivandi's hostile and</p> <p>23 intimidating behavior towards me only escalated to a</p> <p>24 higher degree" after that point.</p> <p>25 Did Mr. Peivandi ever raise concerns</p>	Page 210	<p>1 speaking metaphorically here; correct? He has never</p> <p>2 engaged in any sort of physical contact against you?</p> <p>3 <b>A.</b> That is correct.</p> <p>4 <b>Q.</b> And with respect to what made you feel as though he</p> <p>5 had his knee on your neck, it was the very things</p> <p>6 we've discussed during this deposition today and the</p> <p>7 very content of this message that you said made you</p> <p>8 feel that way; right? That's what you're referring</p> <p>9 to?</p> <p>10 <b>A.</b> That is correct.</p> <p>11 <b>Q.</b> Following your submission of this complaint to the</p> <p>12 Board, what, if anything, did the Board do?</p> <p>13 <b>A.</b> After this complaint was made, the Board retained an</p> <p>14 attorney to investigate this complaint.</p> <p>15 <b>Q.</b> Do you know who that attorney was?</p> <p>16 <b>A.</b> Attorney Craig Lange.</p> <p>17 <b>Q.</b> And you said it retained him to investigate the</p> <p>18 complaint. Did he interview you at any point in time?</p> <p>19 <b>A.</b> He did.</p> <p>20 <b>Q.</b> Did he interview you once, twice, five times, how many</p> <p>21 times?</p> <p>22 <b>A.</b> Once.</p> <p>23 <b>Q.</b> Was the interview telephonic, in person?</p> <p>24 <b>A.</b> In person.</p> <p>25 <b>Q.</b> Approximately how long did he speak with you?</p>	Page 212
<p>1 about your deposition testimony with you?</p> <p>2 <b>A.</b> He did.</p> <p>3 <b>Q.</b> What did he say?</p> <p>4 <b>A.</b> He felt that I was lying on him in the deposition. He</p> <p>5 told me he took it personal.</p> <p>6 <b>Q.</b> Did he mention what he felt you were lying about or</p> <p>7 what he took personally?</p> <p>8 <b>A.</b> He didn't give any specifics.</p> <p>9 <b>Q.</b> And what did you say in response?</p> <p>10 <b>A.</b> I told him -- I cautioned him and said, "One, I've</p> <p>11 taken (sic) a deposition, and I'm just cautioning</p> <p>12 you, Fred, that you cannot question me or attack me</p> <p>13 for anything I said in the deposition"; and he</p> <p>14 continued ranting.</p> <p>15 <b>Q.</b> Did he make any other comments about your deposition</p> <p>16 testimony beyond the fact that he felt you were lying</p> <p>17 and that you felt he was taking it personally?</p> <p>18 <b>A.</b> I can't recall exactly anything else that was said.</p> <p>19 By this point I was getting quite upset with Fred.</p> <p>20 <b>Q.</b> I understand. On the third page of this document, the</p> <p>21 document marked as Exhibit No. 10, the paragraph,</p> <p>22 "Today, I feel like I am George Floyd of GCRC, and</p> <p>23 Fred Peivandi has his knee on my neck, and I'm crying</p> <p>24 out, 'I Can Not Breathe.'"</p> <p>25 I want to clarify here. Merely, you're</p>	Page 211	<p>1 <b>A.</b> I can't recall.</p> <p>2 <b>Q.</b> Subsequent to your conversation with him where he</p> <p>3 interviewed you, did you have any follow-up</p> <p>4 communications with him?</p> <p>5 <b>A.</b> Yes.</p> <p>6 <b>Q.</b> Okay. Was there ever a point in time where you wanted</p> <p>7 to speak with him where he was not willing or able to</p> <p>8 speak with you?</p> <p>9 <b>A.</b> There was a time that I wanted to speak with him, and</p> <p>10 I think we were on the phone, and I wanted to share</p> <p>11 more information with him, and he cut me off; he said,</p> <p>12 "All you want me to do is side with you." So from</p> <p>13 that point on, we got off the phone, and I don't know</p> <p>14 how much more conversation we ever had after that.</p> <p>15 <b>Q.</b> Okay. He told you that he wouldn't speak any further</p> <p>16 with you because he believed you wanted him to side</p> <p>17 with you?</p> <p>18 <b>A.</b> No, that's not what I said.</p> <p>19 <b>Q.</b> Okay. I apologize. Will you clarify for me about</p> <p>20 what he said, then?</p> <p>21 <b>A.</b> In that particular conversation, as I was trying to</p> <p>22 give him more information relevant to my complaint, he</p> <p>23 cut me off, and I hung the phone up, he cut me off and</p> <p>24 said all I was doing was trying to get him to really</p> <p>25 weigh on my side, is what he was actually saying.</p>	Page 213

1 From that conversation, I don't know 2 how many more phone conversations or e-mail exchange 3 him and I had. 4 Q. Did you ever submit documents to him so that he could 5 consider those? 6 A. I did. 7 Q. Do you know whether or not he interviewed any other 8 employees of the Road Commission in the process? 9 A. I know he interviewed others; I just don't know who 10 those individuals were. 11 Q. Okay. Approximately how long in total would you say 12 that you spent either writing e-mails, communicating 13 with him or engaging with him in any respect before 14 you learned the results of the investigation? 15 A. I believe I received an e-mail that said he was almost 16 finished -- or he apologized for the amount of time, 17 but he was almost finished with his investigation. I 18 don't know how much after that, 'cause I never 19 received anything directly from him about the 20 investigation. 21 Q. Got it. And with respect to the issues and the 22 concerns that you raised, are those ones to which 23 you've already testified about today? Was there 24 anything that you raised as a concern to him in the 25 course of the investigation that we haven't already	Page 214	1 conversation? 2 A. I can't remember. 3 Q. Did she say whether or not she provided any documents 4 to Attorney Lange? 5 A. I think he had requested a document or asked her about 6 a document. That's what I remember. 7 Q. Did she describe what that document was? 8 A. It was, when was -- when did Fred Peivandi ask her for 9 the list by race. 10 Q. Okay. And did she describe at all the information 11 that she provided to Attorney Lange in response to 12 that inquiry? 13 A. I can't recall. 14 Q. Did you have any conversations with anyone else about 15 the investigation? 16 A. To what extent? 17 Q. Did you mention that -- did you describe or mention 18 details about your interview to -- well, let's limit 19 it to anyone within the GCRC? 20 A. I can't recall. 21 Q. Did you describe anything that came up during your 22 interview to any of the Genesee County Board of Road 23 Commissioners commissioners (sic)? 24 A. I can't recall. 25 Q. Did you describe anything to any of the Genesee County	Page 216
1 spoken about today? 2 A. It's a possibility. I can't say with accuracy. 3 Q. I understand. Was there anything that you raised with 4 him that wasn't contained within your January 5 complaint? 6 A. I can't recall. 7 Q. Okay. You already said -- did you understand that he 8 had interviews and discussions with other employees, 9 too, you just don't know who; right? 10 A. No, I don't, with the exception of Rachel Mullen. 11 Q. You do know that he had conversation with Rachel 12 Mullen? 13 A. That is correct. 14 Q. Did Rachel Mullen have conversation with you about 15 what she had discussed with Attorney Lange? 16 A. No, not in depth, no. 17 Q. Did she do anything more than just mention that Lange 18 had interviewed her? 19 A. I can't recall the extent of what all she was saying 20 when she said she was interviewed with him. 21 Q. Okay. Do you remember when that conversation took 22 place? 23 A. I do not. 24 Q. Did she disclose anything, to the best of your 25 recollection, about the substance of their	Page 215	1 Commissioners? 2 A. I can't recall. 3 Q. Prior to learning what the results of the investigation 4 were, how did you feel that you were treated by 5 Attorney Lange during the interview? 6 A. Respectfully, with the exception of the comment he 7 made on the phone that day. 8 Q. And did you know Attorney Lange at all prior to being 9 interviewed by him? 10 A. I did not. 11 Q. Had you ever met him before? 12 A. No. 13 Q. Had you ever heard his name before? 14 A. No. 15 Q. Do you have any reason to suspect that either he or 16 his firm are biased either for or against the Road 17 Commission in any way? 18 A. I have no knowledge of that. 19 Q. Do you have any reason to suspect that Attorney Lange 20 is either biased either on behalf of or against 21 African-Americans in any way? 22 A. I have no knowledge of that. 23 Q. Do you have any reason to suspect that Attorney Lange 24 is biased either for or against employees engaged in 25 protective activity?	Page 217

<p>1 A. I have no knowledge of that.</p> <p>2 Q. Did you later learn the results of the investigation?</p> <p>3 A. I did.</p> <p>4 Q. When did you learn the results of the investigation?</p> <p>5 A. It would've been in a meeting with myself, Commissioner Tim Elkins and Cloyce Dickerson and Fred Peivandi were at the meeting.</p> <p>6 Q. So, again, we have Elkins, Dickerson, Fred and you?</p> <p>7 A. That is correct.</p> <p>8 Q. Okay. Approximately when did this meeting take place?</p> <p>9 A. I can't give you the specific date.</p> <p>10 Q. Was it a month after you were first contacted by Attorney Lange, two months, five months, a year?</p> <p>11 A. Let's just say it was less than five months.</p> <p>12 Q. Okay, fair enough.</p> <p>13 A. More than one month, less than five.</p> <p>14 Q. I understand. And what was the subject of the meeting?</p> <p>15 A. The meeting was for Fred and I, along with Commissioner Tim and Dickerson, to try to work out a way by which Fred and I could work better together.</p> <p>16 Q. And at that point in time, who informed you about the results of the investigation?</p> <p>17 A. I received a copy of the investigation letter that was addressed to me at my home address from Tim Elkins.</p>	Page 218	<p>1 Q. When you say everything got shut down, what do you mean?</p> <p>2 A. There was no more discussion about mine and Fred's working relationship.</p> <p>3 Q. How was it shut down? I'm sorry, I'm misunderstanding.</p> <p>4 A. I was extremely blindsided by the letter and for the letter to be the focus of the meeting when that was not the focus of the meeting initially. So, therefore, we didn't make any grounds on how Fred and I could work better together.</p> <p>5 MS. GAFKAY: We've been going about an hour and a half. Do you want a break?</p> <p>6 THE WITNESS: I need a break.</p> <p>7 (Recess taken.)</p> <p>8 MR. CASCINI: Let's go back on the record.</p> <p>9 Q. (BY MR. CASCINI) I'm showing you, Ms. Poplar, a document marked as Exhibit No. 11. It is a letter under Craig Lange's signature block, address, April 27, 2021. It's also addressed to you at 5277 Kimberly Woods Circle. Is this the letter to which you were referring that Mr. Elkins distributed during that meeting?</p> <p>10 A. That is correct.</p> <p>11 Q. Now, you mentioned that after the letter came out that</p>	Page 220
<p>1 Q. Had you seen that letter at any point in time prior to that meeting?</p> <p>2 A. Absolutely not.</p> <p>3 Q. Did Fred indicate whether he had seen the letter at any point in time prior to that meeting?</p> <p>4 A. He did not, not to me.</p> <p>5 Q. Did Commissioner Dickerson indicate whether he had seen that letter at any point prior to that meeting?</p> <p>6 A. Not to me.</p> <p>7 Q. Now, you mentioned that the subject of the conversation was trying to get you guys to be able to work together. What kind of proposals were made or what was the substance of that conversation?</p> <p>8 A. Well, the first thing, the meeting was initiated by Commissioner Lange if I would agree to meet with Fred to see if we could resolve our differences. So that was the basis of the meeting; and in that meeting, there was no proposals made at that point in time.</p> <p>9 Q. So what was the substance of the communications to attempt to get you to work better together with Fred?</p> <p>10 A. Well, once we got to the letter, there was no meeting at that point, because the letter from -- that I got from Tim Elkins giving me the results of Attorney Lange's report finding, investigation report finding, everything got shut down.</p>	Page 219	<p>1 the meeting was shut down. How far into the meeting did Mr. Elkins produce this letter?</p> <p>2 A. I can't recall.</p> <p>3 Q. Was there substantial conversation prior to the disclosure of this letter?</p> <p>4 A. No.</p> <p>5 Q. Was there any conversation regarding methods of getting you and Fred to work better together prior to this letter coming out?</p> <p>6 A. No.</p> <p>7 Q. Did Commissioner Elkins or Commissioner Dickerson, or both, explain the purpose of the meeting?</p> <p>8 A. I can't recall.</p> <p>9 Q. Okay. Do you know if Fred was involved in planning the meeting or that Fred knew what would be discussed during the meeting ahead of time?</p> <p>10 A. I don't recall.</p> <p>11 Q. And you mentioned that the meeting was shut down at the point in time where this letter came out. Were you the one that shut it down?</p> <p>12 A. No.</p> <p>13 Q. Okay. So what happened to end the meeting?</p> <p>14 A. This letter became like a distraction. So there was exchange going on, and at that particular point, it was decided that we weren't going to get anywhere.</p>	Page 221

<p>1 Q. Okay. Who decided that you weren't going to, quote-  2 unquote, get anywhere?</p> <p>3 A. I believe it was a decision made between Elkins and  4 Mr. Dickerson.</p> <p>5 Q. And do you know what they based that decision on? Did  6 they explain why they felt that it wasn't possible to  7 get anywhere?</p> <p>8 A. I don't know.</p> <p>9 Q. Did you raise concerns? Did you say anything to  10 Commissioner Elkins or Commissioner Dickerson in  11 response to reading this letter?</p> <p>12 A. I can't remember.</p> <p>13 Q. Do you remember whether Fred said anything to  14 Commissioner Dickerson or to Commissioner Elkins in  15 response to reading this letter?</p> <p>16 A. I don't remember.</p> <p>17 Q. Do you know whether or not they explained why they  18 wanted to adjourn the meeting at that point?</p> <p>19 A. I can't remember.</p> <p>20 Q. How soon after the letter was produced was the meeting  21 adjourned?</p> <p>22 A. I don't remember.</p> <p>23 Q. Must have been a pretty short meeting, though; you  24 said it was produced fairly early in the meeting, and,  25 you know, it shut down communication. Approximately</p>	<p>Page 222</p> <p>1 anything about the directives beyond merely giving  2 them to you?</p> <p>3 A. No.</p> <p>4 Q. Did you review the directives?</p> <p>5 A. Yes.</p> <p>6 Q. Did you respond once the directives were issued to him  7 (sic)? Did you say anything in response?</p> <p>8 A. No. And if we can go back, I now remember how I got  9 those directives. I was called into a meeting. I was  10 told to come to the Board room, I believe it was on  11 the 7th of November, and when I came in the Board  12 room, it was Fred Peivandi and Randy Dellaposta here.  13 Fred Peivandi gave me a administrative leave notice  14 and told me to read it, not here, but to read it, and  15 if I had any questions, put the questions in writing.  16 That's what I remember.</p> <p>17 Q. And this was at the time that you were given a copy of  18 the directives?</p> <p>19 A. Those directives were part of that administrative  20 leave.</p> <p>21 Q. All right. And so you were delivered the directives  22 in person, to the best of your recollection?</p> <p>23 A. Yes.</p> <p>24 Q. Are you certain about that? You expressed hesitation  25 before; that's the only reason I'm asking.</p>
<p>1 how long was the meeting in its totality?</p> <p>2 A. I can't remember.</p> <p>3 Q. Subsequent to the receipt of this letter, did Mr.  4 Peivandi ever attempt to discuss a better working  5 relationship with you?</p> <p>6 A. No.</p> <p>7 Q. Did you ever attempt to approach him to discuss a  8 better working relationship?</p> <p>9 A. No.</p> <p>10 Q. My understanding is that he provided you with written  11 directives following the issue of this letter; is that  12 correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Okay. Can you describe for me what the directives  15 were in summary?</p> <p>16 A. Without reading those directives off the document  17 itself, I cannot.</p> <p>18 Q. How did he notify you that there were going to be  19 directives that were issued?</p> <p>20 A. I believe -- no, I can't remember how he actually gave  21 me the copy of his findings. I don't know if that was  22 via e-mail or if it was in person; I can't remember.</p> <p>23 Q. Fair enough. With respect to him delivering those  24 directives to you, did he have any communications with  25 you contemporaneously? In other words, did he explain</p>	<p>Page 223</p> <p>1 A. I recall getting that leave of notice here, and a part  2 of that leave of notice was, I believe, a part the  3 directives were in.</p> <p>4 Q. Okay.</p> <p>5 A. No, no, I'm sorry, I got confused. I got confused.</p> <p>6 Q. I completely understand.</p> <p>7 A. I'm totally confused. Strike everything I just said.  8 My mind, when you said the directive, I'm thinking  9 about --</p> <p>10 MS. GAFKAY: That's fine. Maybe if you  11 have them and can show her.</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. CASCINI: I completely understand.</p> <p>14 MS. GAFKAY: Hold on. I think you're  15 talking about different things. So maybe if you show  16 her what you're talking about, we would be better off.</p> <p>17 MR. CASCINI: Absolutely. I think that  18 that's the best option, too. So we're going to get  19 that document out in just a second here.</p> <p>20 (Document marked Deposition  21 Exhibit No. 12.)</p> <p>22 MR. CASCINI: I'm going to mark this  23 document Exhibit No. 12. This is a document that's  24 dated, it looks like, July 1, 2021. It says to Donna  25 Poplar from Fred Peivandi. Subject line HR Director</p>

<p>1 Duties and Responsibilities.</p> <p>2 Q. (BY MR. CASCINI) Briefly having reviewed this</p> <p>3 document, is this the document in which those</p> <p>4 directives were communicated to you?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. And now that we're reoriented in time, with the</p> <p>7 understanding that before you made an error with</p> <p>8 respect to this and now you're thinking about the</p> <p>9 correct meeting, do you remember anything about the</p> <p>10 meeting in which these were delivered to you?</p> <p>11 A. This meeting -- yes.</p> <p>12 Q. What occurred during that meeting?</p> <p>13 A. When I came into this room, which is the GCRC Board</p> <p>14 room, Fred Peivandi and Randy Dellaposta was present.</p> <p>15 Fred gave me this document and told me that he was</p> <p>16 giving me a two-week suspension, and that was it, and</p> <p>17 that I was to read this document, and if I had any</p> <p>18 questions or concerns to put them in writing; and he</p> <p>19 said that I was not to enter the building, and I was</p> <p>20 not to have any communication with any of the</p> <p>21 employees here. I was not to have any communication</p> <p>22 with Board members, and that was it.</p> <p>23 MS. GAFKAY: The only reason I want to</p> <p>24 take a break, we don't have to break-break, but I just</p> <p>25 want her to read this because, based on her response,</p>	Page 226	<p>1 you with the directives; in other words, did he offer</p> <p>2 commentary on top of giving you this document?</p> <p>3 A. He did not.</p> <p>4 Q. Did you read this document when you received it?</p> <p>5 A. I did.</p> <p>6 Q. And with respect to the directives that are within it,</p> <p>7 they are requiring you to do certain things in his</p> <p>8 capacity as the managing director; is that correct?</p> <p>9 A. That is correct.</p> <p>10 Q. Okay. No. 1 is, I'm just going to read the headings</p> <p>11 of the directives. No. 1 is --</p> <p>12 A. What page are you on?</p> <p>13 Q. I apologize. I am on page two of this document.</p> <p>14 Directive No. 1 is, "Raise and voice work-related or</p> <p>15 policy-related concerns with the Managing Director</p> <p>16 individually or in director-level meetings before</p> <p>17 addressing such concerns with the Board."</p> <p>18 Do you remember reading about this</p> <p>19 directive once you received this document?</p> <p>20 A. I do.</p> <p>21 Q. Is there anything unlawful or improper about Mr.</p> <p>22 Peivandi issuing you that directive itself?</p> <p>23 A. I'm not sure.</p> <p>24 Q. Okay. Is it within the scope of authority of Mr.</p> <p>25 Peivandi's job to issue you that directive?</p>	Page 228
<p>1 it's clear that we're on different documents here,</p> <p>2 where she's thinking of a different document.</p> <p>3 MR. CASCINI: Why don't we go very</p> <p>4 briefly off the record, then; and, Ms. Poplar, if you</p> <p>5 could take some time. I don't need you, for purposes</p> <p>6 of my questions, to read every word, but if it helps</p> <p>7 you to orient to the document to which we're</p> <p>8 referring, I'm more than happy to provide you with</p> <p>9 that opportunity.</p> <p>10 MS. GAFKAY: We're off the record.</p> <p>11 (Discussion off record.)</p> <p>12 MR. CASCINI: If we can go back on the</p> <p>13 record, please.</p> <p>14 Q. (BY MR. CASCINI) Donna, I know there was some</p> <p>15 confusion about documents that we expressed, and</p> <p>16 counsel had a conversation about how best to rectify</p> <p>17 that issue. You've had some time subsequently to look</p> <p>18 more carefully at Exhibit No. 12.</p> <p>19 Can you tell me whether or not you</p> <p>20 remember the meeting in which you received Exhibit 12?</p> <p>21 A. I do not.</p> <p>22 Q. Do you know whether it was in person or over e-mail?</p> <p>23 A. I can't remember.</p> <p>24 Q. Do you know whether Fred ever addressed anything</p> <p>25 concerning these directives, in addition to providing</p>	Page 227	<p>1 A. I'm not sure.</p> <p>2 Q. With respect to the second directive, "Include the</p> <p>3 Managing Director in work-related communications you</p> <p>4 send to the Board or any individual members of the</p> <p>5 Board."</p> <p>6 Do you remember reading about that</p> <p>7 directive?</p> <p>8 A. I do.</p> <p>9 Q. Is there anything unlawful about Fred Peivandi</p> <p>10 requiring you to follow that directive, in your</p> <p>11 opinion?</p> <p>12 A. I'm not sure.</p> <p>13 Q. Is that within the scope of Fred Peivandi's authority</p> <p>14 to issue you that opinion?</p> <p>15 A. I'm not sure.</p> <p>16 Q. With respect to Directive No. 3, which is on the</p> <p>17 following page, "Perform tasks as directed or assigned</p> <p>18 by the Managing Director."</p> <p>19 Is there anything unlawful about</p> <p>20 issuing you this directive, in your opinion? When</p> <p>21 Fred Peivandi issues you this directive, is there</p> <p>22 anything unlawful about that directive, in your</p> <p>23 opinion?</p> <p>24 A. I'm not sure.</p> <p>25 Q. And is it within the scope of Fred Peivandi's</p>	Page 229

<p>1 authority as managing director to instruct you to  2 follow that directive?</p> <p>3 <b>A.</b> I'm not sure.</p> <p>4 Q. Okay. With respect to Directive 4, "Defer all final  5 decisions for hiring and firing to the Managing  6 Director."</p> <p>7 Do you remember reading about that  8 directive?</p> <p>9 <b>A.</b> I do.</p> <p>10 Q. Is that a lawful directive for Fred to provide you, in  11 your opinion?</p> <p>12 MS. GAFKAY: Object to the form.</p> <p>13 MR. CASCINI: Okay. Fair enough.</p> <p>14 Q. (BY MR. CASCINI) Is it unlawful for Mr. Peivandi, in  15 your opinion, to order you to follow that directive?</p> <p>16 MS. GAFKAY: Object to the form.</p> <p>17 Q. (BY MR. CASCINI) You can go ahead and answer.</p> <p>18 <b>A.</b> I'm not sure.</p> <p>19 Q. Is that within the scope of his authority for him to  20 elect to have you defer all final decisions for hiring  21 and firing to him? Is that within the scope of his  22 authority as the managing director?</p> <p>23 <b>A.</b> I'm not sure.</p> <p>24 Q. Directive 5, "Respect and implement Managing  25 Director's budgetary recommendations."</p>	<p>Page 230</p> <p>1 where you knew you were violating the directives and  2 you felt either compelled or did, in any way, violate  3 the directive?</p> <p>4 <b>A.</b> I can't recall.</p> <p>5 Q. Did you address the issue of these directives to any  6 members of the Road Commission?</p> <p>7 <b>A.</b> I can't recall.</p> <p>8 Q. Did you address the issue of these directives to any  9 other employees of the GCRC?</p> <p>10 <b>A.</b> I can't recall.</p> <p>11 Q. Did you have any further communication or follow up  12 with Fred in order to clarify anything about the scope  13 of the directives?</p> <p>14 <b>A.</b> I can't recall.</p> <p>15 Q. Did Fred ever provide any other commentary about how  16 the directives should be interpreted or applied?</p> <p>17 <b>A.</b> I can't recall.</p> <p>18 Q. And following the directives issued to you -- I want  19 to switch base here, and I want to begin to talk about  20 another issue that you raised in your Complaint.  From your Complaint, I'm reading here,  22 "On August 4, 2021, Genesee County health officials  23 announced a directive calling for a universal masking  24 policy in all indoor settings, including K through 12  25 school buildings, retail establishments and government</p>
<p>1 Do you remember reading about this  2 directive?</p> <p>3 <b>A.</b> I do.</p> <p>4 Q. Is there anything unlawful about this directive, in  5 your opinion?</p> <p>6 MS. GAFKAY: Object to the form.</p> <p>7 Q. (BY MR. CASCINI) Go ahead and answer.</p> <p>8 <b>A.</b> I'm not sure.</p> <p>9 Q. And is it within the scope of the managing director's  10 authority to direct you to respect and implement his  11 budgetary recommendations?</p> <p>12 <b>A.</b> I'm not sure.</p> <p>13 Q. After you received this document, did you comply with  14 those directives moving forward?</p> <p>15 <b>A.</b> To the best of my ability.</p> <p>16 Q. Are there any instances where you were unable to  17 comply that you're aware of?</p> <p>18 <b>A.</b> I'm not sure.</p> <p>19 Q. Does that mean you can't remember whether or not you  20 were able to comply with the directives or does that  21 mean that you're unsure about whether your behavior  22 constituted compliance with the directives?</p> <p>23 <b>A.</b> I'm not sure if my behavior, relative to these  24 directives, met Mr. Peivandi's expectation.</p> <p>25 Q. Having reviewed the directives, were there any times</p>	<p>Page 231</p> <p>1 buildings."</p> <p>2 To the best of your recollection, is  3 that an allegation from your Complaint?</p> <p>4 <b>A.</b> I would have to be reread my Complaint.</p> <p>5 Q. Do you believe --</p> <p>6 MS. GAFKAY: I don't mean to interject,  7 I'm just trying to help out. He is actually reading  8 from the Complaint. I mean, I think he's just asking  9 you if you have that in your Complaint.</p> <p>10 MR. CASCINI: Well, I can rephrase  11 that, I think, to get to the heart of it.</p> <p>12 Q. (BY MR. CASCINI) Is that one of the allegations that  13 you're raising in this lawsuit, regardless of whether  14 it's actually contained within the Complaint?</p> <p>15 <b>A.</b> Yes. I didn't know what you were reading from.</p> <p>16 Q. I completely understand.</p> <p>17 MS. GAFKAY: That's okay.</p> <p>18 MR. CASCINI: We're going to distribute  19 a document, and we're going to ask you to mark it as  20 Exhibit 13.</p> <p>21 (Document marked Deposition  22 Exhibit No. 13.)</p> <p>23 Q. (BY MR. CASCINI) I've provided a document that we've  24 all marked as Exhibit No. 13. It says Genesee County  25 Health Department at the top, and it says Medical</p>

<p>1 Health Officer, Indoor Masking Directive is the title  2 of the document below it.  3 If you go to the back page, so the  4 final and third page there, it's been Signed and  5 ordered this 4th day of August, 2021, by Dr. Pamela B.  6 Hackert, Medical Health Officer, Genesee County Health  7 Department.  8 To the best of your recollection and  9 knowledge, Ms. Poplar, is this the document that you  10 were referring to in paragraph 31 of your Complaint  11 when you say that on August 4th, the Genesee County  12 health officials announced a directive calling for a  13 universal masking policy?</p> <p>14 A. What date was this --</p> <p>15 MS. GAFKAY: Here's the date of the  16 document.</p> <p>17 Q. (BY MR. CASCINI) Signed and ordered this 4th day of  18 August, 2021, is immediately above the signature of  19 Dr. Hackert.</p> <p>20 A. And your question again, please.</p> <p>21 Q. Is this the directive that you were referring to in  22 paragraph 31 of your Complaint when you write that on  23 August 4th, 2021, Genesee County Health Officials  24 announced a directive calling for a universal masking  25 policy in all indoor settings?</p>	<p>Page 234</p> <p>1 A. It does.  2 Q. And then it says Forward: Memo - MIOSHA Urging CDC  3 Guidance, it says here; is that correct?  4 A. Can you point that out to me?  5 MS. GAFKAY: Yeah, it's the lower one.  6 MR. CASCINI: Yeah, sure. Thank you  7 for indicating that, Julia, I appreciate that.  8 Q. (BY MR. CASCINI) It says forward memo, and then  9 immediately below that, we have a document with the  10 subject line of Memo - MIOSHA Urging CDC Guidance, and  11 it's sent from Lori Friedlis. We don't know to whom  12 it is sent. It says this e-mail was sent from outside  13 the Genesee County Road Commission on behalf of the  14 Gayle Cummings.  15 And then on the next page, it says,  16 "MIOSHA issued a statement today (sic) to encourage  17 employers to follow CDC guidance. Not mandate. I  18 take that to mean that they will not have the  19 authority to fine if you do not choose to follow CDC  20 guidance, however we need for you to be aware of the  21 suggestions and consider them. Especially in areas of  22 high infection. Please review Wendy's summary and let  23 us know if you have any questions or concerns?"  24 A little bit earlier, Donna, you gave  25 some testimony paragraph 31 referred to an August 4th,</p>
<p>1 A. This is not the document that I seen.  2 Q. Okay. Can you describe for me the document that  3 you've seen, to the extent that it differs from this  4 document?  5 A. The document that I seen was what Fred sent me from  6 MCRCSIP, which was a very short, less than a  7 paragraph, e-mail that I received.  8 (Document marked Deposition  9 Exhibit No. 14.)  10 MR. CASCINI: I just handed you a  11 document that I've marked Exhibit No. 14. It is a  12 four-page document. The first page of this document  13 contains an e-mail that purports to be sent from Donna  14 Poplar to Fred Peivandi, with Monica Pearson cc'd on  15 the top. It says Subject: RE: Memo - MIOSHA Urging  16 CDC Guidance.  17 I'd ask everyone to go to the final  18 page of this document -- my apologies, I actually  19 direct everyone to go to page three, my fault.  20 Q. (BY MR. CASCINI) It looks like here, and you tell me,  21 Donna, if this comports with your interpretation,  22 about midway up page three, it looks like Fred  23 Peivandi, on August 16th, sends you a document with  24 FYI is the only body text. Monica Pearson is cc'd.  25 Does that look accurate to you?</p>	<p>Page 235</p> <p>1 2021, Genesee County Health Official directive.  2 Is this the document, the very brief  3 e-mail correspondence, to which you were referring?  4 A. Can you go back to the testimony where I specifically  5 said I was referring to some August 4th,  6 correspondence about --  7 Q. That is the --  8 MS. GAFKAY: The lawsuit says there was  9 a directive by Genesee County regarding masks.  10 MR. CASCINI: And if I misstated that,  11 Donna, I apologize.  12 MS. GAFKAY: Let him tell you what the  13 paragraph says if he's going to ask you about it.  14 Q. (BY MR. CASCINI) I want to make sure we sort this  15 out. So allegation No. 31 says, "On August 4th, 2021,  16 Genesee County health officials announced a directive  17 calling for a universal masking policy in all indoor  18 settings." I'm reading from your Complaint in that  19 regard.  20 I'm trying to figure out what the  21 underlying document here to which that statement  22 refers. I'm trying to figure out where that is.  23 Earlier you gave some testimony saying  24 that it was a very brief e-mail correspondence that  25 had been forwarded to you. And what I'm asking is, is</p>

<p>1 the correspondence from Lori Friedlis, from August  2 13th, that is there on the bottom, is that the  3 correspondence to which paragraph 31 is intended to  4 refer?</p> <p>5 A. This is the actual e-mail that I received from Fred  6 Peivandi that led to that paragraph there.</p> <p>7 MS. GAFKAY: I'm going to object to the  8 form and lacks foundation, because paragraph 31 of her  9 lawsuit doesn't talk about a document.</p> <p>10 MR. CASCINI: It announced a directive  11 calling for universal masking policy.</p> <p>12 Q. (BY MR. CASCINI) So is there any memorialization of  13 that directive, to your knowledge, Donna? You can  14 answer that question.</p> <p>15 A. No.</p> <p>16 Q. So Genesee County Health Department did not distill  17 it's directive down into written form?</p> <p>18 MS. GAFKAY: Objection; lacks  19 foundation. You just showed her a document that was  20 from Genesee County with regard to the mask mandate.</p> <p>21 MR. CASCINI: And therein lies my  22 question and therein lies what I'm trying to discover  23 here, which is:</p> <p>24 Q. (BY MR. CASCINI) Is there a document associated with  25 allegation No. 31 in your Complaint, to the best of</p>	<p>Page 238</p> <p>1 MR. CASCINI: Counsel, do you have any  2 objection to that? Do you wish to propose any  3 accommodation that will be necessary to assist the  4 witness?</p> <p>5 MS. LEE: Just that if you're asking  6 questions from the document, that we be given time for  7 us to read her the document.</p> <p>8 MR. CASCINI: Okay. And when you say  9 "read her the document," is it necessary -- I just  10 want to know what your position is. Is it necessary  11 to read aloud the contents of the document in its  12 entirety, in portion, an excerpt?</p> <p>13 MS. LEE: Just so she understands what  14 the document is that's before her.</p> <p>15 MR. CASCINI: All right. Is there  16 anything else that we need to do, in your opinion, at  17 this time that will assist us in being able to go  18 forward with the litigation without providing  19 prejudice to the witness?</p> <p>20 MS. LEE: No, that should be fine.</p> <p>21 Thank you.</p> <p>22 MR. CASCINI: And I have one more  23 question just to follow up on this matter. Ms. Poplar  24 and counsel, is there anything so far about the way  25 that this deposition has been conducted today that</p>
<p>1 your knowledge, Donna?</p> <p>2 A. I'm not sure.</p> <p>3 Q. How did you come to learn that on August --</p> <p>4 MS. GAFKAY: Can we go off the record?</p> <p>5 MR. CASCINI: Yes, we can go off the</p> <p>6 record.</p> <p>7 (Discussion off record; recess</p> <p>8 taken.)</p> <p>9 MR. CASCINI: So we're back on the</p> <p>10 record now. Counsel for Plaintiff and Defense counsel</p> <p>11 had some communications while we were off the record</p> <p>12 regarding the legibility of the exhibits.</p> <p>13 And, Ms. Poplar, I want to not only be</p> <p>14 sensitive, given what you said about -- you know, I</p> <p>15 know that you don't like to discuss the visual</p> <p>16 disability all that much, I understand that, I don't</p> <p>17 want to be insensitive, but I also want to make sure</p> <p>18 that we do everything that we can to accommodate your</p> <p>19 vision-related disability with respect to the purposes</p> <p>20 of this litigation.</p> <p>21 I open this question both to counsel</p> <p>22 and to the witness. Is there any accommodation that</p> <p>23 you need or that we can provide that will assist you</p> <p>24 to being better able you to see the exhibits today?</p> <p>25 THE WITNESS: Not at this time.</p>	<p>Page 239</p> <p>1 makes us doubt the testimony may be accurate given the  2 visual disability or legibility issues of any exhibit?</p> <p>3 MS. LEE: I believe we've clarified the  4 issues on and off the record.</p> <p>5 MR. CASCINI: So is the answer to that  6 no?</p> <p>7 MS. LEE: Ask it again.</p> <p>8 MR. CASCINI: I want to ask and clarify  9 to make sure. Is there anything about the way that  10 the deposition has been conducted today to this point  11 that gives us reason to doubt the accuracy of the  12 testimony based on the visual disability or the  13 legibility of the documents?</p> <p>14 MS. LEE: No. We clarified the issues  15 on the record.</p> <p>16 MR. CASCINI: Okay. All of those have  17 been addressed. We don't have anything else?</p> <p>18 MS. LEE: (Shaking head negatively).</p> <p>19 MR. CASCINI: Okay. I completely  20 understand, Charis. I wasn't trying to be belabor. I  21 apologize.</p> <p>22 Q. (BY MR. CASCINI) I'd like to just refocus in this  23 way, Ms. Poplar. Allegation No. 31 from your  24 Complaint, I will read it aloud is, "On August 14,  25 2021, Genesee County health officials announced a</p>

<p>1 directive calling for a universal masking policy in  2 all indoor settings, including K through 12 school  3 buildings, retail establishments and governmental  4 buildings."</p> <p>5 Ms. Poplar, do you know whether this  6 directive was ever reduced to writing or whether there  7 is a writing that summarizes that directive?</p> <p>8 <b>A.</b> I don't.</p> <p>9 Q. And to clarify, when we take a look at Exhibit No. 13  10 that's been admitted here, Exhibit No. 13, this is a  11 document where at the very top of the heading says  12 Genesee County Health Department, Medical Health  13 Officer, Indoor Masking Directive.</p> <p>14 And then if you go to page three, it  15 says, I'm going to read the first full paragraph,  16 Donna, which is the second one from the top, it says,  17 "This DIRECTIVE will remain in effect until the  18 Genesee County Health Department confirms that  19 Covid-19 disease rates have declined to sustain low  20 levels of transmission as defined by the CDC or is  21 otherwise rescinded. Signed and ordered this 4th day  22 of August, 2021"; and then it says Dr. Pamela B.  23 Hackert, MD MPHJD. Very impressive set of  24 credentials, I might add.</p> <p>25 Is this document, to your knowledge,</p>	Page 242	<p>1 <b>A.</b> I believe it was the actual document.</p> <p>2 Q. Okay, it was the actual document. But you don't  3 remember whether it's Exhibit 13 or not?</p> <p>4 <b>A.</b> I'm not for sure if this is the exact document.</p> <p>5 Q. Do you remember if it looked anything like that?</p> <p>6 <b>A.</b> I can't remember.</p> <p>7 Q. Do you know if Genesee County Health Department ever  8 issues multiple directives on the same day, to your  9 knowledge?</p> <p>10 <b>A.</b> I'm not sure.</p> <p>11 Q. Did you have a conversation with Commissioner Nolden  12 about that directive?</p> <p>13 <b>A.</b> I believe we did.</p> <p>14 Q. Regardless, even if we can't identify where that  15 directive is today, and even if that directive may not  16 be in front of us today, did you read the directive  17 that Commissioner Nolden provided to you?</p> <p>18 <b>A.</b> I did.</p> <p>19 Q. Okay. Then did you have any correspondence with Fred  20 Peivandi about that directive?</p> <p>21 <b>A.</b> I can't recall.</p> <p>22 Q. So I'm going to read to you item No. 32 in your  23 Complaint. It says, "After the directive from the  24 health department, Plaintiff reported to Defendant  25 Peivandi that MIOSHA was recommending all vaccinated</p>	Page 244
<p>1 the directive to which 31 refers?</p> <p>2 MS. GAFKAY: Objection; lack of  3 foundation.</p> <p>4 Q. (BY MR. CASCINI) Do you know whether this document is  5 the directive to which item 31 refers?</p> <p>6 <b>A.</b> I'm not sure.</p> <p>7 Q. Do you remember how you came to learn of the directive  8 that you are referring to in item 31 of your  9 Complaint?</p> <p>10 <b>A.</b> Yes.</p> <p>11 Q. How did you come to learn of that directive?</p> <p>12 <b>A.</b> I had Monica -- in talking with Commissioner Bryant  13 Nolden, he informed me of that directive, and not only  14 did he inform me, he sent a copy of that directive to  15 myself and members of the Genesee County Road  16 Commission Board.</p> <p>17 Q. Did he send it to you via e-mail?</p> <p>18 <b>A.</b> Yes, he did.</p> <p>19 Q. And to the best of your recollection or knowledge, did  20 he send that e-mail to you on August 4th, 2021?</p> <p>21 <b>A.</b> I don't know exactly when he send it.</p> <p>22 Q. That's fair. Was the document and e-mail summary that  23 he prepared to the best of your recollection or was  24 there a directive text included as an attachment to  25 that e-mail?</p>	Page 243	<p>1 and unvaccinated employees and visitors to wear a face  2 mask to contain the spread of COVID-19 and Genesee  3 County Health Department issued a directive calling  4 for governmental buildings to have a mask policy."</p> <p>5 Does that refresh your recollection of  6 whether you informed and had a conversation with Fred  7 Peivandi about the directive?</p> <p>8 <b>A.</b> I would need to know the date of that correspondence  9 to compare the date with the actual document that I  10 had here that you referenced to, No. -- what are you  11 calling it, document 13?</p> <p>12 Q. I'm not asking you about any document at all.</p> <p>13 MS. GAFKAY: Listen to the question.</p> <p>14 Q. (BY MR. CASCINI) I'm asking you, Donna, whether or  15 not you had correspondence about the document that  16 Commissioner Nolden sent you, whatever form that took,  17 with Fred Peivandi?</p> <p>18 <b>A.</b> I believe that I sent Fred Peivandi any correspondence  19 that referenced what Commissioner Nolden was saying.  20 I believe that to be true.</p> <p>21 Q. All right. With respect to correspondence with Mr.  22 Peivandi, did you ever ask Mr. Peivandi or make a  23 recommendation with respect to masking policy based on  24 this directive, masking policy at the GCRC, I should  25 say?</p>	Page 245

<p>1 A. I sent him a correspondence.</p> <p>2 Q. That was via e-mail?</p> <p>3 A. That is correct.</p> <p>4 Q. Do you remember approximately when this e-mail was</p> <p>5 sent?</p> <p>6 A. I don't.</p> <p>7 Q. I am now going to turn your attention to Exhibit 14,</p> <p>8 which was prior introduced, and I would like to go to</p> <p>9 page two in that document, and I'd like to refer to</p> <p>10 the second e-mail header that we can see on this</p> <p>11 document. It says from Poplar Donna, sent Monday,</p> <p>12 August 16th, to Fred Peivandi, cc Monica Pearson,</p> <p>13 Subject: Memo - MIOSHA Urging CDC Guidance.</p> <p>14 Is this the recommendation that you</p> <p>15 made to Fred with respect to the directive that</p> <p>16 appeared in paragraph 31?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then did Fred respond to you?</p> <p>19 A. Yes.</p> <p>20 Q. And I'm going to direct you to the first header that</p> <p>21 we have on Exhibit 14 on page two. It says from Fred</p> <p>22 Peivandi, sent Monday, August 16, 2021, to Donna</p> <p>23 Poplar, cc: Monica Pearson and Randy. Subject: RE:</p> <p>24 Memo - MIOSHA Urging CDC Guidance. It says, "Donna,</p> <p>25 at this time, I do not wish to mandate that GCRC staff</p>	Page 246	<p>1 back to his directive, the one that is at the top of</p> <p>2 the page. The one that was sent at 3:42 p.m.</p> <p>3 In your Complaint, it says, "Defendant</p> <p>4 Peivandi refused to require employees and visitors to</p> <p>5 wear face masks, but indicated Plaintiff could advise</p> <p>6 staff of the risk levels in Genesee County and that if</p> <p>7 MIOSHA issued a mask mandate that GCRC would comply."</p> <p>8 Is this the refusal, or the alleged</p> <p>9 refusal, to which you were referring in paragraph 33,</p> <p>10 this Fred Peivandi e-mail from 3:42 p.m.?</p> <p>11 MS. GAFKAY: Can I show her what</p> <p>12 paragraph 33 says?</p> <p>13 MR. CASCINI: Absolutely, yeah. I</p> <p>14 would like to read it to her again just for</p> <p>15 simplicity.</p> <p>16 Q. (BY MR. CASCINI) "Defendant Peivandi refused to</p> <p>17 require employees and visitors to wear face masks, but</p> <p>18 indicated Plaintiff could advise staff of the risk</p> <p>19 levels in Genesee County and that if MIOSHA issued a</p> <p>20 mask mandate that GCRC would comply."</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So that is the e-mail that you're referring to</p> <p>23 in paragraph 33 with respect to the refusal; is that</p> <p>24 right?</p> <p>25 A. Yes.</p>	Page 248
<p>1 and visitors wear masks." There is additional text</p> <p>2 that follows. Is that the response, to the best of</p> <p>3 your recollection, that Fred e-mailed back to you?</p> <p>4 A. That is correct.</p> <p>5 Q. Then I want to go to page one of this document, and I</p> <p>6 want to look at the e-mail header that is on the top</p> <p>7 of page one of Exhibit 14. It says from Donna Poplar,</p> <p>8 sent Monday, August 16, 2021, to Fred Peivandi, cc</p> <p>9 Monica Pearson. Subject: Memo - MIOSHA Urging CDC</p> <p>10 Guidance. Then it says, I'm going to read the first</p> <p>11 part of it. "Fred, I feel it is important for me to</p> <p>12 reiterate that I strongly feel that because of the</p> <p>13 seriousness of the COVID-19 increasing deadly Delta</p> <p>14 variant and the mere fact that Genesee County is</p> <p>15 ranked as a Substantial Transmission Risk County for</p> <p>16 COVID-19, it would be to the best interest of ALL GCRC</p> <p>17 employees and visitors if GCRC follow the</p> <p>18 recommendations of MIOSHA and CDC Guidelines as we</p> <p>19 have since the off set of COVID-19."</p> <p>20 Is this, to the best of your</p> <p>21 recollection, an e-mail that you sent to him in</p> <p>22 response to his prior e-mail that we just read?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And take one quick step back. We're talking</p> <p>25 about page two of his directive. So we're going to go</p>	Page 247	<p>1 Q. Was there any additional correspondence that Fred</p> <p>2 Peivandi gave to you that you're referring to with the</p> <p>3 refusal?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Okay, that's fine. No. 34 in your Complaint says,</p> <p>6 "Plaintiff sent communication to GCRC employees</p> <p>7 regarding Defendant Peivandi's decision not to mandate</p> <p>8 masks, advising employees that Genesee County was</p> <p>9 ranked as a 'Substantial Transmission Risk County,' so</p> <p>10 employees could make informed personal protection</p> <p>11 decisions."</p> <p>12 (Document marked Deposition</p> <p>13 Exhibit No. 15.)</p> <p>14 MR. CASCINI: So Exhibit 15, we've all</p> <p>15 marked, is a document that has a header Genesee County</p> <p>16 Road Commission, Human Resources Department Memo, date</p> <p>17 August 17, 2021, to all GCRC employees, from Fred</p> <p>18 Peivandi and Donna Poplar, cc GCRC Board of</p> <p>19 Commissioners, RE: MIOSHA Recommendations, so that's</p> <p>20 the subject line.</p> <p>21 Q. (BY MR. CASCINI) Is this the communication to which</p> <p>22 you were referring in paragraph 34 of your Complaint</p> <p>23 when it says Plaintiff sent communication to GCRC</p> <p>24 employees regarding Defendant Peivandi's decision not</p> <p>25 to mandate masks?</p>	Page 249

<p>1 A. That's correct.</p> <p>2 Q. I would like to direct you to page -- nope, that's</p> <p>3 wrong. I would like to direct you to paragraph 86 of</p> <p>4 your Complaint. We're on paragraph 86 of the</p> <p>5 Complaint. Unfortunately I'm reading from the</p> <p>6 answers, so I don't know what page of the Complaint</p> <p>7 that was on.</p> <p>8 MS. GAFKAY: Fifteen, page fifteen.</p> <p>9 Q. (BY MR. CASCINI) Paragraph 86 reads, "Plaintiff</p> <p>10 engaged in constitutionally protected speech on</p> <p>11 matters of public concern including, but not limited</p> <p>12 to, race discrimination and COVID-19 safety protocols</p> <p>13 which should be followed relating to masks, which are</p> <p>14 matters of public concern."</p> <p>15 Is the constitutionally protected</p> <p>16 speech related to the Covid-19 safety protocols, which</p> <p>17 should be followed relating to masks, to which you are</p> <p>18 referring in paragraph 86? Is that Exhibit 15?</p> <p>19 A. Yes.</p> <p>20 Q. Did Fred Peivandi have any communications with you</p> <p>21 after you issued the memorandum that is depicted in</p> <p>22 Exhibit 15?</p> <p>23 A. I can't recall.</p> <p>24 Q. Did you show Mr. Peivandi a copy of Exhibit 15 before</p> <p>25 you distributed it?</p>	Page 250	<p>1 being treated different and the fact that I used my</p> <p>2 freedom of speech to share information that I felt was</p> <p>3 relevant as part of my duty as directed by the labor</p> <p>4 relations attorney.</p> <p>5 Q. And with respect to that exercise of freedom of speech</p> <p>6 in particular, you're referring to the issuance of the</p> <p>7 information in the memo attached there that we</p> <p>8 referred to as Exhibit 15; right?</p> <p>9 A. I need to see the exhibit to --</p> <p>10 Q. Yeah, Exhibit 15 is the document that . . .</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. Now, the disciplinary action that you</p> <p>13 received --</p> <p>14 (Document marked Deposition</p> <p>15 Exhibit No. 16.)</p> <p>16 MR. CASCINI: So we're going to mark</p> <p>17 that as Exhibit 16 here on the Disciplinary Action</p> <p>18 Notice that I think we all have here. It's got</p> <p>19 Disciplinary Action Notice in the header. It says to</p> <p>20 Donna Poplar, from Fred Peivandi, Managing Director,</p> <p>21 date August 19, 2021.</p> <p>22 Q. (BY MR. CASCINI) Donna, have you seen this document</p> <p>23 before?</p> <p>24 A. I have.</p> <p>25 Q. And did Fred Peivandi give you this document?</p>	Page 252
<p>1 A. I did not.</p> <p>2 Q. It says from Fred Peivandi. Did Fred Peivandi have</p> <p>3 any hand in drafting this document?</p> <p>4 A. No.</p> <p>5 Q. Okay. Now, are you the person who drafted this</p> <p>6 document?</p> <p>7 A. That is correct.</p> <p>8 Q. And you were actually the one that sent it out; right?</p> <p>9 A. That is correct.</p> <p>10 Q. Subsequent to this document being distributed --</p> <p>11 MR. CASCINI: We'll be marking Exhibit</p> <p>12 No. 16 here in just a moment, but I'd like to ask you</p> <p>13 some questions before we get started here.</p> <p>14 Q. (BY MR. CASCINI) Were you provided a -- were you</p> <p>15 provided disciplinary action by Fred Peivandi in</p> <p>16 response to the memorandum that we just referenced as</p> <p>17 Exhibit 15?</p> <p>18 MS. GAFKAY: Object to the form.</p> <p>19 Q. (BY MR. CASCINI) You can go ahead and answer.</p> <p>20 A. I believe I was provided disciplinary action based on</p> <p>21 my being discriminated against because of my race. I</p> <p>22 believe that my disciplinary action was predicated</p> <p>23 around my being retaliated against.</p> <p>24 Q. Sure.</p> <p>25 A. And I believe it was based on the fact that I was</p>	Page 251	<p>1 A. He did.</p> <p>2 Q. Do you remember when he gave you this document?</p> <p>3 A. On August 19th, 2021.</p> <p>4 Q. Did he give it to you in person, via e-mail? How did</p> <p>5 he distribute it to you?</p> <p>6 A. In person.</p> <p>7 Q. Did you meet with him personally?</p> <p>8 A. I did.</p> <p>9 Q. Anybody else present during that meeting?</p> <p>10 A. Yes.</p> <p>11 Q. Who else was present during that meeting?</p> <p>12 A. Randy Dellaposta.</p> <p>13 Q. Randy Dellaposta was there. Was there any</p> <p>14 conversation about the disciplinary action notice that</p> <p>15 he gave you?</p> <p>16 A. No.</p> <p>17 Q. When he gave it to you, did he say anything?</p> <p>18 A. No; but I was given a two-week suspension, that I was</p> <p>19 to read the document; if I had any questions, then I</p> <p>20 could put them in writing to him.</p> <p>21 MR. CASCINI: Okay. And just for the</p> <p>22 purpose of the record, Exhibit 16 has Bates No.</p> <p>23 Defendants RPD Response 8 - No. 2 at the very bottom.</p> <p>24 Q. (BY MR. CASCINI) After that, were you, in fact,</p> <p>25 placed on a two-week disciplinary suspension?</p>	Page 253

<p>1 A. That is correct.</p> <p>2 Q. While you were on your period of --</p> <p>3 A. Let me back up. Also in that meeting he informed me</p> <p>4 that I was not to enter into the building and that I</p> <p>5 could not have any communications with employees here;</p> <p>6 and there were other things that he said that I was</p> <p>7 not supposed to do, but I can't remember exactly all</p> <p>8 of them right now. So that's not all-inclusive.</p> <p>9 Q. So were any of the additional things that he discussed</p> <p>10 with you during that meeting, did that go beyond what</p> <p>11 is contained in Exhibit 16, that is to say, did he</p> <p>12 give you verbal directives or orders that were not</p> <p>13 part of the written disciplinary action notice?</p> <p>14 A. At that time, I had not had a opportunity to read the</p> <p>15 disciplinary action notice, so I can't say to what all</p> <p>16 he was referencing to relative to the disciplinary</p> <p>17 action notice.</p> <p>18 Q. Did you subsequently read the disciplinary action</p> <p>19 notice?</p> <p>20 A. Later, after I left.</p> <p>21 Q. Did you notice when you read it later that there was</p> <p>22 any inconsistencies between the verbal instructions he</p> <p>23 may have given you during that meeting and the</p> <p>24 contents of the disciplinary action notice?</p> <p>25 A. I can't recall.</p>	<p>Page 254</p>	<p>1 were on your two-week unpaid suspension?</p> <p>2 A. It appears to be.</p> <p>3 Q. It says here under heading No. I, Request For</p> <p>4 Investigation. "I request an unbiased investigation</p> <p>5 of the situation. As you know, I'm employed as the</p> <p>6 GCRC Human Resource Director and have held this</p> <p>7 position since October of 2016." And then if you want</p> <p>8 to go all the way to the back there.</p> <p>9 A. When you say to the back, are you referencing the last</p> <p>10 page?</p> <p>11 Q. Yes, please. I apologize. A document with Bates No.</p> <p>12 102. I'm going to look at --</p> <p>13 A. You said date what?</p> <p>14 MR. CASCINI: It's Bates No. 102 for</p> <p>15 the record purposes. Go off the record for a second.</p> <p>16 (Discussion off record.)</p> <p>17 MR. CASCINI: Let's go back on the</p> <p>18 record here.</p> <p>19 Q. (BY MR. CASCINI) Under heading VI Conclusion, I'm</p> <p>20 going to read the final sentence in that paragraph.</p> <p>21 "I respectfully request a fair and just investigation</p> <p>22 into this situation."</p> <p>23 This is the complaint that you filed</p> <p>24 with the Genesee County Board of Commissioners on</p> <p>25 August 26th; correct?</p>	<p>Page 256</p>
<p>1 Q. You testified, I think, earlier you were, in fact,</p> <p>2 placed on a two-week disciplinary suspension after</p> <p>3 that point; right?</p> <p>4 A. Effective with this date here, yes.</p> <p>5 Q. And was that period of suspension paid or unpaid?</p> <p>6 A. Unpaid.</p> <p>7 Q. Were your benefits continued during that suspension or</p> <p>8 no?</p> <p>9 A. I can't recall.</p> <p>10 Q. Now, during that period of suspension, and I'm trying</p> <p>11 to just get to a shortcut here, you filed an</p> <p>12 additional complaint with the Board of Commissioners;</p> <p>13 correct?</p> <p>14 A. That is correct.</p> <p>15 (Document marked Deposition</p> <p>16 Exhibit No. 17.)</p> <p>17 MR. CASCINI: I'm going to mark a</p> <p>18 document that's Exhibit 17. The header of this</p> <p>19 particular document is August 26, 2021, Genesee County</p> <p>20 Road Commission, Board Chairman Cloyce Dickerson, and</p> <p>21 then it says, Dear Commissioner Cloyce Dickerson. And</p> <p>22 then it goes on for several pages.</p> <p>23 Q. (BY MR. CASCINI) I just want to try to ask you and</p> <p>24 tell me if you need more time to read this document,</p> <p>25 is this a copy of the complaint you filed while you</p>	<p>Page 255</p>	<p>1 A. That's correct.</p> <p>2 Q. Following your submission of this document, did you</p> <p>3 ever have an opportunity to address these concerns</p> <p>4 with the Genesee County Board of Commissioners -- I'm</p> <p>5 sorry -- with the Genesee County Road Commissioners?</p> <p>6 A. As it relates to this document here?</p> <p>7 Q. Yes. Subsequent to that document being filed with the</p> <p>8 Road Commission, Cloyce Dickerson, did you have an</p> <p>9 opportunity to discuss your concerns from this</p> <p>10 document with the Road Commission?</p> <p>11 A. I believe that there was a meeting held here to</p> <p>12 discuss these issues here.</p> <p>13 Q. I understand. And you complain of, in very brief</p> <p>14 summary, I'm reading from the first full paragraph on</p> <p>15 page Bates No. 95, "... please consider this letter as</p> <p>16 a formal written complaint of retaliation, continued</p> <p>17 race discrimination, harassment, differential</p> <p>18 treatment, and hostile work environment against my</p> <p>19 supervisor, Managing Director, Fred Peivandi."</p> <p>20 Am I reading that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And I see that the document here, one, two,</p> <p>23 three, four, five, six, seven, eight, eight pages long</p> <p>24 this complaint is in its total. Does this contain all</p> <p>25 of the instances of race discrimination, harassment,</p>	<p>Page 257</p>

<p>1 differential treatment and hostile work environment 2 and retaliation, I apologize, to which you were 3 referring?</p> <p>4 MS. GAFKAY: Object to the form. 5 THE WITNESS: This complaint is not 6 all-inclusive.</p> <p>7 Q. (BY MR. CASCINI) Okay. I understand. You said that 8 you believe that you had a meeting subsequent to the 9 submission of this document with the Genesee County 10 Board of Road Commissioners; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Do you remember approximately when that meeting 13 occurred?</p> <p>14 A. I do not, but you were present, so you might have more 15 of the documentation than I do, if I remember.</p> <p>16 Q. And I very well may, but I don't have it in front of 17 me.</p> <p>18 A. Okay.</p> <p>19 Q. Regardless, there was a meeting. Were all five of the 20 Road Commissioners present during that meeting?</p> <p>21 A. No.</p> <p>22 Q. No? Okay. Were you represented by counsel during 23 that meeting?</p> <p>24 A. I was.</p> <p>25 Q. And did that meeting occur in closed session or open</p>	<p>Page 258</p>	<p>1 A. I'm not sure. 2 Q. Okay. It's possible you may, possible you may not 3 have, just don't remember? 4 A. I just don't remember. 5 Q. Fair enough.</p> <p>6 (Document marked Deposition 7 Exhibit No. 18.)</p> <p>8 MR. CASCINI: This is a document that 9 I'm going to mark as Exhibit No. 18. There's a header 10 of Lee Legal Group, PLLC, September 28, 2021, Genesee 11 County Road Commission, Cloyce Dickerson, Board 12 Chairman. Dear Commissioner Dickerson: Re: 13 Representation of Donna Poplar and settlement offer.</p> <p>14 Q. (BY MR. CASCINI) Was this a document that was 15 extended to the Genesee County Road Commission from 16 your attorney on your behalf.</p> <p>17 A. That is correct.</p> <p>18 Q. And do you believe that it was sent out on September 19 28th, 2021? I should ask it differently. Do you have 20 any reason to doubt that it was sent out on that date?</p> <p>21 A. I do not.</p> <p>22 MS. GAFKAY: I'm going to interject an 23 objection and a statement. You can ask questions 24 about this to the Plaintiff, but this document is 25 inadmissible --</p>	<p>Page 260</p>
<p>1 session?</p> <p>2 A. It was in closed session.</p> <p>3 Q. With respect only to your memory of what occurred 4 during that meeting, did you have an opportunity to 5 raise concerns with the Board of Road Commissioners 6 during that session?</p> <p>7 A. I did.</p> <p>8 Q. Okay. And at that point in time, you made a request 9 for your concerns to be mediated and discussed further 10 so some solution could be proposed; correct?</p> <p>11 A. That is correct. And before you go there, I'm not for 12 sure that all the Board members were here.</p> <p>13 MS. GAFKAY: Well, you did say that.</p> <p>14 THE WITNESS: Oh, okay.</p> <p>15 MS. GAFKAY: You said you're not sure.</p> <p>16 I think you said there wasn't; but you're saying 17 you're not sure, there could've been all of them; 18 correct?</p> <p>19 THE WITNESS: Yes.</p> <p>20 Q. (BY MR. CASCINI) Okay. Did you have any opportunity 21 to meet with any individual commissioners or with the 22 Board of Road Commissioners as a whole between the 23 time when you submitted the second written complaint 24 on August 26th and that meeting that you just 25 testified to?</p>	<p>Page 259</p>	<p>1 MR. CASCINI: Okay. 2 MS. GAFKAY: -- under 408 as 3 specifically set forth. 4 MR. CASCINI: This is the settlement -- 5 MS. GAFKAY: It specifically identifies 6 408 in the Re line, so the intent was not that it 7 would become an exhibit at trial or -- 8 MR. CASCINI: Fair enough. And, you 9 know, we can resolve the conflict over the 10 admissibility of this document for a later time. 11 Q. (BY MR. CASCINI) Did you ask, either through counsel 12 or individually, did you ask for your concerns to be 13 mediated with respect to the conflict and all the 14 issues that you raised in your August Complaint? 15 A. I don't know if we asked for mediation. I can't say 16 that for sure. 17 Q. Well, let me make sure that I'm also referring to the 18 same thing. When I say mediation, I'm not referring 19 to the formal process of mediation, but some sort of 20 compromise, some discussion about, whether they were 21 settlement negotiations, whether they were mediations, 22 whether it was alternative dispute resolution of some 23 form, did you ask for that to be conducted on your 24 behalf with the Genesee County Road Commission? 25 A. I did.</p>	<p>Page 261</p>

<p>1 MR. CASCINI: Okay. And, now, we're 2 doing this one step out of order, but I don't want to 3 belabor it.</p> <p>4 (Document marked Deposition 5 Exhibit No. 19.)</p> <p>6 MR. CASCINI: This is a document that's 7 been marked as Exhibit No. 19. It has Bates No. 8 Defendants RPD Response 8, No. 5 at the very bottom. 9 The header says Notice of Administrative Leave, to 10 Donna Poplar, from Fred Peivandi, date September 6, 11 Re: End of Suspension Period and Start of Paid 12 Administrative Leave.</p> <p>13 Q. (BY MR. CASCINI) Is this a document that was provided 14 to you at any point in time, Ms. Poplar?</p> <p>15 A. That is correct.</p> <p>16 Q. So you have seen this document before?</p> <p>17 A. I have.</p> <p>18 Q. And who gave you this document?</p> <p>19 A. Fred Peivandi.</p> <p>20 Q. And this document purports to impose a duration of 21 administratively leave. Were you, in fact, placed on 22 paid administrative leave pursuant to this document?</p> <p>23 A. I was.</p> <p>24 Q. And is the date correct, September 6, 2021, as to when 25 that administrative leave period began?</p>	Page 262	<p>1 A. I received a phone call from my attorney. 2 Q. Do you remember the date when you received that phone 3 call? 4 A. I do not. 5 Q. To the best of your recollection, was it in early 6 November? 7 A. It would've been prior to September 7th. 8 Q. You mean subsequent to September 7th? It's getting 9 late. You need to be returned to work, obviously, 10 after you're placed on administrative leave; right? 11 A. Right. 12 Q. You received a call from your attorney informing you 13 that you were slated to come back to work? 14 A. That is correct.</p> <p>15 MS. GAFKAY: Well, I was going to 16 object, but --</p> <p>17 MR. CASCINI: Fair enough, Julie. I 18 didn't mean to stand on you there.</p> <p>19 THE WITNESS: It was before November 20 8th when I was informed that I would be returning back 21 to work.</p> <p>22 (Document marked Deposition 23 Exhibit No. 20.)</p> <p>24 MR. CASCINI: We're going to mark this 25 document as Exhibit No. 20. I'm going to read the</p>	Page 264
<p>1 A. I believe that the date that the administrative leave 2 began was on the 7th of September; that's when I 3 became aware of that. I wasn't aware on September 4 6th.</p> <p>5 Q. And your point is well-met because the first paragraph 6 actually here says, "This unpaid disciplinary 7 suspension is scheduled to end on September 7th (the 8 day following the Labor Day holiday)", and then it 9 imposes a period of administrative leave.</p> <p>10 So your point is well-met. It looks 11 like your testimony is that the administrative -- you 12 were -- the paid administrative leave began on 13 September 7th?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay, I understand. To the best of your knowledge, 16 subsequent to you requesting a form of mediation or 17 alternative dispute resolution with the Board and 18 subsequent to your meeting with the Board, without 19 disclosing the substance of the communications, did 20 your counsel and counsel for the Road Commission 21 exchange potential proposals to mediate or resolve the 22 issue subsequent to that?</p> <p>23 A. I'm not sure.</p> <p>24 Q. That's fine. How did you learn that you had been 25 returned to work?</p>	Page 263	<p>1 header here. From Andrew Cascini, date Tuesday, 2 November 2, 2:05 p.m., to Cheris Lee, Subject: 3 Rejection of proposed offer and impasse. 4 Then it goes forward to say, "Charis: 5 The Board held a regularly scheduled meeting today. 6 At the conclusion of the meeting, the Board voted and 7 approved a motion including the following," and then 8 bullet points are contained.</p> <p>9 Q. (BY MR. CASCINI) Ms. Poplar, have you ever seen this 10 e-mail before?</p> <p>11 MS. GAFKAY: Before you answer, I just 12 need to preserve an objection again. While I'm 13 allowing you some leeway in asking these questions, 14 clearly this falls under 408 and would not be 15 admissible, but --</p> <p>16 MR. CASCINI: Well, at this point 17 there's no substance of actual negotiation content. 18 This is merely informing her about her return to work.</p> <p>19 MS. GAFKAY: Well, I was looking at the 20 subject line, which clearly suggests --</p> <p>21 MR. CASCINI: And that's fair.</p> <p>22 MR. GAFKAY: -- and that is all I read, 23 and that alerted me that it would certainly fall under 24 408. But go ahead and ask the questions, and we'll 25 bring a motion.</p>	Page 265

<p>1 MR. CASCINI: And this may be a very 2 brief line of questions. 3 Q. (BY MR. CASCINI) Ms. Poplar, have you ever seen this 4 document before? 5 A. I'm not sure. 6 Q. Okay. Is it possible -- you earlier testified that 7 you weren't sure when you received the phone call from 8 Ms. Lee informing you that you could come back to 9 work. Do you believe that it -- could it have been 10 November 2nd? Does that refresh your recollection or 11 no? If it doesn't, that's fine. 12 A. I'm not sure. 13 Q. All right. Do you have any reason to doubt that on 14 November 2nd, the Board voted to return you to work? 15 A. No. 16 Q. Okay. Were you present at that meeting? 17 A. No. 18 Q. Subsequent to your return to work, you began reporting 19 to Randy Dellaposta; correct? 20 A. That is correct. 21 Q. Was it communicated to you that one of the methods 22 that the Board had attempted to remediate the alleged 23 instances of harassment was to have you report to Mr. 24 Dellaposta instead of to Mr. Peivandi? 25 A. I don't recall anyone telling me that.</p>	Page 266	<p>1 activity." 2 Which director, if any, received a 3 \$15,000 increase in pay, to your knowledge? 4 A. I believe that, up to -- I believe that Randy 5 Dellaposta got a nine to ten percent; and I believe 6 that Tracy Khan, in a combination, may have gotten a 7 total of ten percent. I believe Eric Johnston was to 8 be \$4,000 every year in increase. 9 Q. Do any of those employees have employment agreements, 10 to the best of your knowledge, that would dictate 11 whether or not they received raises? 12 A. Not to my knowledge. 13 Q. Do you know what considerations were considered by the 14 Board when they were determining whether or not to 15 adopt the budget proposal, including these raise 16 amounts? 17 A. I do not. 18 Q. With respect to the \$15,000 that you said you 19 approximated nine to ten percent of a raise for Mr. 20 Dellaposta, was that offered in connection with his 21 promotion to deputy managing director? 22 A. No. 23 Q. Was it offered in connection to the imposition of job 24 duties that would later be retitled as deputy managing 25 director, I guess I should ask?</p>	Page 268
<p>1 Q. Okay. With respect to your allegations related to 2 your wage increase in 2021 and the 2021 budget, I 3 believe your testimony earlier was that you received a 4 one percent wage increase pursuant to the 2021 budget; 5 is that correct? 6 A. That is not correct. 7 Q. Okay. What was your wage increase subject to the 2021 8 budget? 9 A. Two percent. 10 Q. And with respect to that two percent wage increase, I 11 understand that you have alleged that you feel that 12 that was either discriminatory or motivated in full or 13 in part on retaliation for protected activity; is that 14 right? 15 A. That is correct. 16 Q. It's one of the claims in your lawsuit? 17 A. (No response). 18 Q. "Yes"?19 A. Yes. 20 Q. Paragraph 45 of your Complaint, "The Plaintiff and 21 Anthony Branch who have engaged in protected activity 22 received a 1% and 2% raise for the 2021-2022 budget 23 passed by Defendant in September, 2021. This reflects 24 large raises up to \$15,000 in pay for the three 25 Caucasian directors who have not engaged in protected</p>	Page 267	<p>1 A. Not to my knowledge. 2 Q. Are you involved in determining the final budget on 3 each year for the GCRC's operations? 4 A. No. 5 Q. Okay. Have you had any communications with any third 6 party, so I'm referring only to entities that are 7 external to the Road Commission, about this lawsuit? 8 A. Not to my knowledge. 9 Q. Did you have communications with any third parties, 10 external to the Road Commission, concerning your 11 August complaint to the Board? 12 A. I'm not sure. 13 Q. Lastly, I want to ask you about damages that you claim 14 in this lawsuit, which means, mercifully, Ms. Poplar, 15 I'm also done with you. 16 A. That can be taken several ways. 17 Q. I apologize. I mean, hopefully you can go on to 18 better things and to warmer things. 19 Ms. Poplar, in your Complaint, you 20 allege a variety of different damages -- injuries and 21 damages. I'm going to, repeating, but let's take a 22 look at paragraph 53, for example. "... Plaintiff has 23 suffered injuries and damages, including, but not 24 limited to, potential loss of earnings and earning 25 capacity; loss of career opportunities; loss of</p>	Page 269

<p>1 reputation and esteem in the community; mental and 2 emotional distress; and loss of the pleasures of life. 3 Is that correct? 4 <b>A.</b> Yes. 5 Q. Those are the damages that you're claiming in this 6 lawsuit? 7 <b>A.</b> In this lawsuit, yes. 8 Q. With respect to the potential loss of earnings and 9 earning capacity, when you say that you've lost 10 potential earnings and earning capacity, to what are 11 you referring? 12 <b>A.</b> When I look at the damage that -- what I suffered, as 13 I allege in this lawsuit, and the media attention and 14 the community attention on this, I believe it's put me 15 in a bad situation of even pursuing a career outside 16 of the Road Commission. 17 Q. With respect to that, do you have reason to believe 18 that the Road Commission publicized or in some way 19 involved the media in notifying them that you had been 20 placed on either paid administrative leave or any of 21 the other complaints that you filed in this lawsuit? 22 <b>A.</b> I'm not sure. 23 Q. Did you have any communication with any third-party 24 media about any of the allegations in this lawsuit? 25 Were you ever asked to comment on anything? Did you</p>	<p>Page 270 1 some of the Board meetings here. 2 Q. Sure. 3 <b>A.</b> And from an individual that was present at the Genesee 4 County Board of Commissioners meetings. 5 Q. For example, sure. Did you know how -- so do you know 6 how those individuals became aware of that? 7 <b>A.</b> I'm not sure. 8 Q. Okay. Loss of career opportunities is the next damage 9 that you've alleged. Is that similar in its scope to 10 what you just testified to regarding potential loss of 11 earnings and earning capacity? 12 <b>A.</b> Also, when employers ask the question, have you ever 13 been suspended or put on administrative leave, that 14 certainly could pose me some issues and some problems 15 of not being hired for a position I was pursuing. 16 That could interfere with my ability to be hired if a 17 employer were to ask me had I ever been suspended 18 and/or put on administrative leave. 19 Q. Have you ever been suspended or put on administrative 20 leave with any other employers in your employment 21 history, other than the Genesee County Road Commission? 22 <b>A.</b> I have never been suspended, but I have been 23 terminated. 24 Q. Have you ever been placed on paid administrative leave 25 at any point?</p>
<p>1 ever contact anybody with respect to this lawsuit? 2 <b>A.</b> No, not any media. 3 Q. Were you ever asked to comment by members of the 4 community about the lawsuit? Members of the community 5 being defined as anybody who's not a GCRC employee who 6 you interact with in any other nonprofessional avenues 7 in your life? 8 <b>A.</b> Not to my knowledge. 9 Q. Do you have any reason to believe that your suspension 10 or your period on paid administrative leave became a 11 matter of public concern at any point in time? 12 <b>A.</b> I do. 13 Q. What led you to believe that? 14 <b>A.</b> With the comments that the community was making at one 15 of the Genesee County Board Commission meetings, and 16 the comments that others throughout the community was 17 raising. 18 Q. Do you have any reason to believe that the Genesee 19 County Road Commission in any way communicated those 20 concerns to the members of the community who voiced 21 them at the meeting? 22 <b>A.</b> I'm not sure. 23 Q. Do you know how they learned about the status of your 24 suspension or paid administrative leave? 25 <b>A.</b> It would've probably been to those who were coming to</p>	<p>Page 271 Page 273 1 <b>A.</b> No. 2 Q. Loss of reputation in the community is the next slate 3 of damages that are there. Is that contained within 4 the scope of the potential loss of earnings or is that 5 a separate damage in your mind? 6 <b>A.</b> I think it's a combination. 7 Q. Okay. Loss of reputation and esteem in the community. 8 Do you have any reason to believe the GCRC 9 communicated with the community regarding either your 10 suspension or the imposition of paid administrative 11 leave? 12 <b>A.</b> I believe that the action that the Genesee County Road 13 Commission took against me, which is a public known to 14 the public, I believe that contributed to the -- was a 15 contributing factor. 16 Q. Was the decision to implement a suspension or the 17 imposition of paid administrative leave the subject of 18 Board conversation at any public meeting? 19 <b>A.</b> I believe so at the point in which the issue was 20 raised, why was I suspended and why I was on 21 administrative leave. Those issues were at one point 22 discussed with the Board and also discussed with the 23 Genesee County Board of Commission in a public 24 setting. 25 Q. And was it initiated by the Genesee County Road</p>

<p>1 Commission, Board of Commissioners, to address those  2 concerns or did members of the public raise those  3 concerns to the commissioners?</p> <p>4 <b>A.</b> I think it was a combination of both.</p> <p>5 Q. Do you have any reason to believe that any  6 commissioner has contacted any member of the media,  7 either in their individual capacity or representing  8 the Genesee County Road Commission?</p> <p>9 <b>A.</b> I'm not sure.</p> <p>10 Q. Now, I know it says here mental and emotional  11 distress, and I know you also testified that you have  12 been receiving treatment by mental health providers in  13 connection with this lawsuit; is that correct? Have  14 you been receiving mental health treatment as a result  15 of the things that you've alleged in your lawsuit  16 today?</p> <p>17 <b>A.</b> That is correct.</p> <p>18 Q. Which mental health providers have you been seeking  19 assistance from?</p> <p>20 <b>A.</b> My psychiatrist is Dr. K.V. Matthews.</p> <p>21 Q. And how long have you been seeing Mr. Matthews?</p> <p>22 <b>A.</b> I don't know. It's been a while.</p> <p>23 Q. Approximately how often would you say that you see Mr.  24 Matthews?</p> <p>25 <b>A.</b> Every two weeks.</p>	<p>Page 274</p> <p>1 <b>A.</b> No.</p> <p>2 Q. Have you sought any other forms of treatment to  3 ameliorate your mental and emotional --</p> <p>4 <b>A.</b> I need to go back to make sure I'm accurate. Your  5 question was outside of Dr. Matthews, am I seeing any  6 other --</p> <p>7 Q. Mental health providers.</p> <p>8 <b>A.</b> Currently, no.</p> <p>9 Q. Are you seeing any other professionals as a way of  10 attempting to mitigate your mental and emotional  11 distress or the loss of ordinary pleasures of life?</p> <p>12 <b>A.</b> I've seen -- I've been trying with spiritual  13 counseling.</p> <p>14 Q. To the extent you spend time with spiritual  15 counseling, is that a regular appointment? I'm  16 unfamiliar with that process; I apologize. I'm not  17 even sure what questions to ask. But describe the  18 process of seeking spiritual counseling as you do it.</p> <p>19 <b>A.</b> I speak with a spiritual counselor on a weekly basis.</p> <p>20 Q. Did you begin that practice as a result of some of the  21 behavior and conduct and allegations that you made in  22 this lawsuit?</p> <p>23 <b>A.</b> I began that process probably somewhere around in  24 2018.</p> <p>25 Q. And you've maintained that practice throughout this</p>
<p>1 Q. How many times would you estimate you've seen Mr.  2 Matthews since you were first suspended by the GCRC?</p> <p>3 <b>A.</b> As a result of the Covid, we do telephone visits; and  4 your second part was how often?</p> <p>5 Q. Um-hum.</p> <p>6 <b>A.</b> It's been months, months.</p> <p>7 Q. You have been seeing Dr. Matthews for months and  8 months?</p> <p>9 <b>A.</b> That is correct.</p> <p>10 Q. Okay, I understand. Can you estimate the number of  11 total times appointments, an estimate?</p> <p>12 <b>A.</b> Well, we see each other twice a month via phone, and  13 it's probably been over a course of about seven, eight  14 months or so, give or take. I would just say multiply  15 two by seven or eight months.</p> <p>16 Q. You're approximating 14 to 16 times?</p> <p>17 <b>A.</b> Yes.</p> <p>18 Q. Okay, I understand. Other than Dr. Matthews, have you  19 been seeking mental health treatment from --</p> <p>20 <b>A.</b> Or it could be longer than that.</p> <p>21 Q. Sure. And I understand also that it's an  22 approximation.</p> <p>23 <b>A.</b> That is correct.</p> <p>24 Q. Have you received treatment from any other mental  25 health care providers other than Dr. Matthews?</p>	<p>Page 275</p> <p>1 duration?</p> <p>2 <b>A.</b> That's correct.</p> <p>3 Q. And I apologize for intruding into an area that a lot  4 of people are sensitive; but can you describe for me  5 or summarize for me what is the scope of spiritual  6 counseling in this regard? I don't mean to be  7 insensitive in asking my question.</p> <p>8 <b>A.</b> In my situation, I pull on spiritual strength to help  9 me to combat what I consider to be weapons against me.  10 So spiritual counseling helps me emotionally, it helps  11 me mentally, it help me to build my -- increase my  12 faith and my trust and my belief in God; and it help  13 me to make good decisions and to -- how am I to allow  14 my flesh to interfere in what I know I should be doing  15 and according to the word of God. It keeps me  16 grounded. It help me to maintain a level of mental  17 and emotional stability. It help me to identify the  18 me inside of me, and it teaches me how to endure and  19 how to not get frustrated with the Spirit. And it  20 teaches me how to keep my hope and my trust that God  21 will see me through any situation; and so it help me  22 to feel human, and it help me to deal better with my  23 offensive that is being -- that I'm being attacked.</p> <p>24 Q. That sounds pretty good. Maybe I need to do that.  25 Do you pay for spiritual counseling</p>

<p>1 sessions?</p> <p>2 <b>A.</b> No.</p> <p>3 Q. And from whom do you receive spiritual strength</p> <p>4 counseling?</p> <p>5 <b>A.</b> Seon Thompson, S-e-o-n, Thompson.</p> <p>6 Q. Have you sought any other -- any other third-party</p> <p>7 providers with respect to receiving treatment or</p> <p>8 mitigation of your mental and emotional distress or</p> <p>9 the loss of ordinary pleasures of life?</p> <p>10 <b>A.</b> My physician.</p> <p>11 Q. And who is that?</p> <p>12 <b>A.</b> Dr. Mekala, S. Mekala.</p> <p>13 Q. And how long have you been seeing Dr. Mekala?</p> <p>14 <b>A.</b> I've been with Dr. Mekala probably about two years</p> <p>15 now. She is the doctor I went to after my former</p> <p>16 doctor became deceased.</p> <p>17 Q. And approximately how many times have you seen Dr.</p> <p>18 Mekala since you were placed on suspension or paid</p> <p>19 administrative leave?</p> <p>20 <b>A.</b> I see Dr. Mekala probably every three months.</p> <p>21 Q. Do you see Dr. Mekala exclusively for what I would</p> <p>22 call mental and emotional distress and loss of</p> <p>23 ordinary pleasures of life or do you see Dr. Mekala</p> <p>24 for other physical and mental conditions as well?</p> <p>25 <b>A.</b> My physical condition.</p>	Page 278	<p>1 future employment plans moving forward?</p> <p>2 <b>A.</b> I'm uncertain because of the scars that I have now as</p> <p>3 a result of being discriminated against, and some of</p> <p>4 the other violations that I've been subjected to as</p> <p>5 being retaliated against, and not having my freedom of</p> <p>6 speech in those circumstances, just changed my whole</p> <p>7 mind-set of what my capabilities are and my abilities</p> <p>8 to be able to perform at the level of expectation of</p> <p>9 another employer or even my involvement in some of the</p> <p>10 social groups that I used to be a part of.</p> <p>11 Q. And the allegation is, the damages in the lawsuit with</p> <p>12 respect to the loss of future expectation damages, you</p> <p>13 attribute that to the allegations you made in your</p> <p>14 lawsuit?</p> <p>15 <b>A.</b> That is correct.</p> <p>16 Q. So it will impact, in your estimation, your ability to</p> <p>17 work as a HR director moving forward?</p> <p>18 <b>A.</b> That is correct.</p> <p>19 Q. Have you already put together retirement plans at any</p> <p>20 time in the future?</p> <p>21 <b>A.</b> I have not.</p> <p>22 Q. Do you foresee yourself retiring at some point in the</p> <p>23 future?</p> <p>24 <b>A.</b> Sure; probably by the time I reach the age of 80.</p> <p>25 Q. Keep our fingers crossed for all of us.</p>	Page 280
<p>1 Q. Can you give me an example of something that you have</p> <p>2 experienced in terms of the loss of the ordinary</p> <p>3 pleasures of life in relation to this lawsuit or any</p> <p>4 of the allegations contained within the lawsuit?</p> <p>5 <b>A.</b> I've lost my zeal, I've lost my passion to do the</p> <p>6 things that I enjoy doing in relation to my hobbies.</p> <p>7 I've lost my interest in participating in family</p> <p>8 events. I've lost my zeal to want to interact on a</p> <p>9 regular basis with family. I've lost some pleasures</p> <p>10 that I feel that my husband and I enjoyed together.</p> <p>11 I've lost my pleasures in wanting to help to motivate</p> <p>12 others. I no longer motivate women who are going</p> <p>13 through cancer, fighting breast cancer, because I'm a</p> <p>14 victim to that.</p> <p>15 So a lot of things I enjoyed doing. I</p> <p>16 don't do Bible study, which I used to. I don't attend</p> <p>17 church at the level by which I was accustomed to</p> <p>18 attending church.</p> <p>19 Q. Anything else?</p> <p>20 <b>A.</b> I'm sure there is. I just can't recall specifically</p> <p>21 what all it is.</p> <p>22 Q. I understand. Now, apologies, but are you 67 years</p> <p>23 old; is that correct?</p> <p>24 <b>A.</b> I am.</p> <p>25 Q. And what do you regard -- what do you see as your</p>	Page 279	<p>1 Did you issue, at any point during the</p> <p>2 pandemic on, did you issue any other memorandums</p> <p>3 informing employees what their obligations were with</p> <p>4 respect to masking within the Genesee County Road</p> <p>5 Commission?</p> <p>6 <b>A.</b> Numerous.</p> <p>7 Q. I have to imagine. It changed frequently; correct?</p> <p>8 <b>A.</b> Numerous; that's correct.</p> <p>9 Q. Part of your job duties as an HR director is to issue</p> <p>10 memoranda like that?</p> <p>11 <b>A.</b> That is correct.</p> <p>12 MR. CASCINI: Believe it or not, I'm</p> <p>13 done.</p> <p>14 THE WITNESS: Are you sure?</p> <p>15 MS. GAFKAY: I hate to open the door</p> <p>16 anymore, but I do have a follow-up question or two.</p> <p>17 EXAMINATION</p> <p>18 BY MS. GAFKAY:</p> <p>19 Q. In paragraph 45, you've alleged that you and Anthony</p> <p>20 Branch received a raise of one and two percent for the</p> <p>21 2021-2022 budget; is that correct?</p> <p>22 <b>A.</b> That is correct.</p> <p>23 Q. And there are other directors, to your knowledge, who</p> <p>24 received higher raises; is that right?</p> <p>25 <b>A.</b> That is correct.</p>	Page 281

<p>1 Q. And what is your race and Anthony Branch's race? <span style="float: right;">Page 282</span></p> <p>2 <b>A.</b> We're African-Americans.</p> <p>3 Q. And the other directors who received higher raises for 4 the 2021-2022 budget, what race are those individuals?</p> <p>5 <b>A.</b> They are white, including Fred Peivandi.</p> <p>6 Q. And have you alleged that race was a consideration in 7 the pay difference between the raises received in the 8 2021-2022 budget?</p> <p>9 <b>A.</b> That is correct.</p> <p>10 MS. GAFKAY: I don't have any further 11 questions.</p> <p>12 MR. CASCINI: It actually is, in real 13 life, just one, which is a rare thing, where an 14 attorney won't lie about that.</p> <p>15 REEXAMINATION</p> <p>16 BY MR. CASCINI:</p> <p>17 Q. Do all of the directors of Genesee County Road 18 Commission, prior to that raise, do they all receive 19 the same salary?</p> <p>20 <b>A.</b> Yes, but I think that Tracy Khan may have gotten some 21 additional raises that the other directors didn't get.</p> <p>22 Q. So everyone is paid the exact same?</p> <p>23 <b>A.</b> Not exact same amount, no.</p> <p>24 Q. And I apologize. Let me back up, actually, 'cause I 25 think we just misunderstood each other. So I did lie</p> <p>1 about one more question, and I apologize for that. <span style="float: right;">Page 283</span></p> <p>2 <b>A.</b> You did.</p> <p>3 Q. Do all of the Genesee County Road Commission directors 4 receive the same salary?</p> <p>5 <b>A.</b> No.</p> <p>6 Q. Okay. And that's both before and after the 2021 7 budgetary adjustment?</p> <p>8 <b>A.</b> That's correct.</p> <p>9 Q. Didn't make the same thing before, and they didn't 10 make the same thing after, either; correct?</p> <p>11 <b>A.</b> That's correct.</p> <p>12 MR. CASCINI: That's it.</p> <p>13 MS. GAFKAY: We'll close the record.</p> <p>14 Thank you.</p> <p>15 (Deposition concluded at 16 5:26 p.m.)</p> <p>17 (END OF RECORD)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 STATE OF MICHIGAN ) <span style="float: right;">Page 284</span> 2 ) SS: 3 COUNTY OF SHIAWASSEE ) 4 5 I, Cynthia A. Lathrop, Court Reporter and 6 Notary Public in and for the above county and state, acting 7 in the County of Genesee, do hereby certify that the 8 foregoing deposition was taken before me at the time and 9 place hereinbefore set forth. 10 I further certify that said witness was by 11 me sworn in said cause and the testimony then given was 12 reported by me stenographically and subsequently 13 transcribed and that the foregoing is a full, true and 14 correct transcript of my original shorthand notes. 15 IN TESTIMONY WHEREOF, I set my hand and 16 notarial seal at Shiawassee County, Michigan, this 23rd day 17 18 19 20 21 22 Cynthia A. Lathrop (CSR-2474) 23 Notary Public in and for the 24 County of Shiawassee, 25 State of Michigan My Commission Expires: 2/2/26</p>
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